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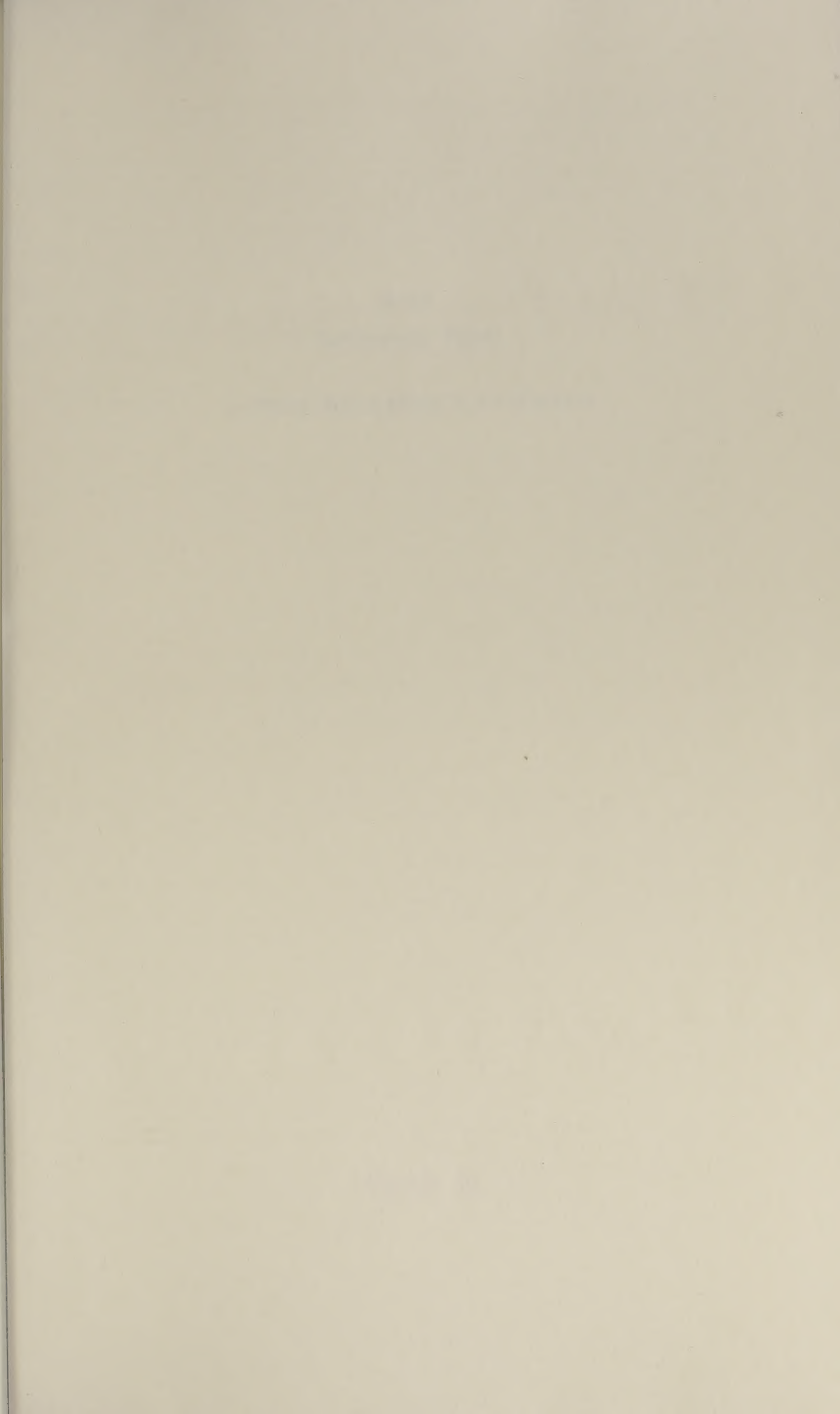
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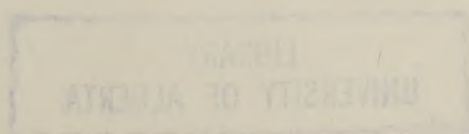
CORRESPONDENCE
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RELATING TO CANADA
1886-1890

Canada

30



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CANADA.

CORRESPONDENCE

RESPECTING THE

ESTABLISHMENT OF STEAM COMMUNICATION

BETWEEN

PRINCE EDWARD ISLAND

AND THE

MAINLAND OF CANADA.

Presented to both Houses of Parliament by Command of Her Majesty,
June 1886.



LONDON:
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1886.

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C A N A D A.

CORRESPONDENCE

RESPECTING THE

ESTABLISHMENT OF STEAM COMMUNICATION

BETWEEN

PRINCE EDWARD ISLAND AND THE MAINLAND OF CANADA.

No. 1.

GOVERNOR-GENERAL THE MOST HON. THE MARQUIS OF LANSDOWNE, G.C.M.G., to
COL. THE RIGHT HON. F. A. STANLEY, M.P. (Received December 1, 1885.)

Government House, Ottawa,
November 19, 1885.

SIR,

I HAVE the honour to forward to you herewith a copy of an approved report of a Committee of the Privy Council, transmitting a despatch from the Lieutenant-Governor of Prince Edward Island, with joint addresses of the Legislative Council and House of Assembly of that Province to Her Majesty the Queen, praying Her Majesty's intervention on behalf of the province in order to obtain from the Government of the Dominion a fulfilment of its engagement made at the time when the province entered into federation: "to maintain efficient steam service for the conveyance of mails and passengers between the Island and the mainland, summer and winter.

Colonel the Right Hon. F. A. Stanley, M.P.,
&c. &c. &c.

I have, &c.,
(Signed) LANSDOWNE.

Enclosure 1 in No. 1.

To the Queen's most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal subjects, the Legislative Council and House of Assembly of Prince Edward Island, in General Assembly convened, humbly approach Your Majesty and represent that:

1. Prince Edward Island entered the Confederation of the Dominion of Canada upon 1st July 1873, on certain terms and conditions set forth in the Order of Your Majesty in Council, dated 26th June 1873, and of which terms the following is one:—"The Dominion Government shall assume and defray all the charges for the following service, viz., efficient steam service for the conveyance of mails and passengers to be established and maintained between the Island and the mainland of the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.

2. During no winter season since the time of the said union has the service provided by the Dominion Government been efficient, or the communication with the mainland continuous.

3. The Dominion Government having shown no sufficient disposition to fulfil their obligation towards the Island in this matter, we are reluctantly compelled to approach Your Majesty as one of the parties to the articles of confederation, and pray Your

Majesty's intervention to obtain for us that justice to which, as a province of Canada, we are entitled by the terms of union.

4. Prince Edward Island is separated from the mainland provinces of Canada by the Strait of Northumberland, and during the winter season, which generally begins about the 1st of December, and lasts until the end of April, the harbours and rivers are frozen, while the passage of the strait is impeded, though at no time wholly prevented, by floating ice. Previous to the union the only connexion with the mainland during the winter was by means of ordinary boats dragged across the drifting ice and propelled by oars through the stretches of open water between Cape Traverse, on the Island, and Cape Tormentine, in New Brunswick—a distance of nine miles.

5. During the first winter after confederation (1873-74) no attempt was made by the Dominion Government to provide such steam service. During the two subsequent years (1874-75, 1875-76), an old wooden steamboat, which had for years been engaged in ordinary navigation, but without a single qualification to fit her for the winter navigation of the strait, was placed upon the route between Georgetown, one of the Island ports, and Pictou, in the province of Nova Scotia, and, as was to be expected, she utterly failed in the service required of her. At the commencement of the winter of 1876-77 a new steamer called the "Northern Light" was placed upon the route. This steamer was not constructed for the service, but was designed for another purpose, and therefore her work can be regarded only in the light of an experiment.

6. The service performed by the "Northern Light" has been most unsatisfactory, her trips being irregular and the accommodation she has afforded has been neither continuous nor efficient. According to the official returns for the last four years, there has been an average in each winter of 64 days during which she has been entirely laid up; nor does this furnish any idea of the irregularity of her trips before she entirely ceased running in each of these years, but only of the continued period when she was laid up and inoperative. At times she has been ice-bound for periods ranging from 10 to 24 days, to the imminent danger of passengers and mails. Upon one occasion, four year ago, some of the passengers, among them women and children, were forced, after remaining on board several days, to leave her, and walk a distance of many miles to the shore, when, night overtaking them, they received injuries from cold and exposure which resulted ultimately in the death of one of the party.

7. During the time when the "Northern Light" is laid up, the people of the Island are obliged to resort to the old method of crossing between the capes (Traverse and Tormentine) already described, a route attended with much hardship and great danger. In the month of January last a party of 22 persons were detained on the ice for two days and one night in an attempt to make the passage, when they suffered most severely from cold and exposure, the majority of them being badly frozen, and several have since suffered amputation of their limbs as a result of the injuries then received.

8. One of the principal inducements held out to the people of this Island to enter the Confederation was the promise contained in that clause of the terms of union quoted at the opening of this memorial, and they naturally expected that a union with the Dominion would bring them uninterrupted communication at all seasons of the year with the rest of Canada and of the world. They believed that they would thereafter enjoy equal facilities for intercourse with the other provinces as those provinces enjoy between themselves, and that thenceforth they would participate in the many benefits and advantages accruing from the Intercolonial Railway and other public works upon the mainland, from which they had previously been debarred for a great portion of the year. Cut off, as they had always been for nearly five months of the twelve, from all communication with the mainland, except by a most uncertain and dangerous route, the promise of continuous communication with the Intercolonial Railway and the railway system of the Dominion, was indeed a strong incentive to them to surrender their self-government and unite with Canada.

9. The inconvenience and loss which they have suffered in consequence of the failure of the Dominion Government to provide them with the efficient communication promised are incalculable, while the disappointment to their reasonable expectations has not tended to enhance in their estimation the value of a connexion with the Dominion, but on the contrary has awakened a feeling of discontent which, though a matter of regret, is not unnatural under the circumstances. Were it only the transport of freight and merchandise that was stopped during the winter, they would have

good reason to complain of being precluded from the benefits of the Intercolonial and other railways which their more fortunate neighbours on the mainland enjoy; but their chief grievance is that, in direct violation of the solemn compact upon which they entered the Confederation, and to which Your Majesty was graciously pleased to be a party, the Dominion Government have not provided that efficient or continuous means whereby mails and passengers can be transported to and from the mainland.

10. The people of this province, we submit, have just ground of complaint at the inaction of the Dominion Government, and at the extraordinary apathy which has been shown in regard to the interest of this Island in the matter of communication with the mainland. Nine winters have passed since the "Northern Light" was first placed on the route, and notwithstanding the fact that her inefficiency for the service was apparent from the outset, no other steps have been taken to fulfil the terms of union. From the time the "Northern Light" ceases running until she again resumes her trips, a period averaging, as already mentioned, 64 days each year, the Post Office Department transmits the mails by the route between Capes Traverse and Tormentine, and during this period in each year the Dominion Government have at no time since confederation made any provision whatever for the transport of passengers, who are forced to make such arrangements as best they can for crossing to and from the mainland. This unaccountable neglect on the part of the Government of Canada is the most direct violation of the terms of union which we are called upon to represent to Your Majesty. Moreover, the Dominion Government have established no communication between the Intercolonial Railway and Cape Tormentine, so that travellers are compelled in passing between these points to drive in open sleighs a distance of 40 miles in the coldest and most stormy portion of the year.

Between Cape Traverse and the line of the Prince Edward Island Railway, a distance of about 12 miles, railway connexion has been opened, and that but partially, only this winter, although provided for by Parliament three years ago.

11. The derangement of business consequent upon the irregularity of the mail service, when for many days at times no communication is had with the rest of Canada, exercises a most prejudicial effect upon the interests of the Island. The hardships of travelling, which only the strong and robust are able to endure, and the dangers attendant upon the present mode, which have been most painfully exemplified this winter, are other disadvantages from which the people of this province suffer most acutely.

12. The feeling that they are being unjustly treated is not without strong foundation. In order to fulfil the terms of union with British Columbia, a province of less than 15,000 of a population, exclusive of Indian and Chinese, Canada has contracted for the construction of nearly 3,000 miles of railway, at a cost of more than 80 millions of dollars. This gigantic undertaking is being pushed forward at a rate unparalleled in the world's history, and a vast expenditure is being made, and still more is contemplated, in acquiring and subsidising other railroads and in forging the links to bind the scattered provinces from the Atlantic to the Pacific; yet the fulfilment of the terms of union with this Island, by providing the means of communication over a strait only nine miles wide, is postponed from year to year, without any thought, it would seem, that thereby a sacred obligation is being violated, and an immense injury being done to a large body of people.

13. This grievance, of which we here complain, has been repeatedly brought to the notice of the General Government, while session after session the representatives of the Island in the Dominion Parliament have called attention to the non-fulfilment by Canada of her pledged faith with this Island. In 1881 we addressed the Governor-General in Council upon the subject, and prayed for the adoption of measures to remedy the state of affairs complained of, as well as for compensation for the loss sustained on account of the non-fulfilment of the terms of union. This address was duly acknowledged, but no practical results followed; and upon the notice of the Dominion Government being again directed thereto, assurances were returned in both of the years 1882 and 1883 that the question was under their consideration.

Again, last year we addressed his Excellency in Council with a like petition, and claiming five millions of dollars for the loss sustained to that time on account of the non-fulfilment of the said terms, and we also informed the Dominion Government that we then approached them for the last time, and that unless a favourable answer was accorded without delay, your Majesty's interference would be invoked.

Beyond a simple acknowledgment of this address, no attention has been paid to it. Again, on the 20th February last, the Executive Council of this Island called the attention of the Dominion Government to the various steps which have been taken by the Island to obtain a settlement of the question, and reminded them of the decision at which we had arrived last year to appeal to Your Majesty, and that no alternative was left except to carry that determination into effect. To this Minute the same unsatisfactory answer was received which has been invariably given. Copies of the correspondence referred to will be transmitted to Your Majesty herewith.

14. In this, the 12th year of their connexion with the Dominion, instead of enjoying that efficient and continuous steam communication with the mainland which was guaranteed them, the people of Prince Edward Island are, for a very considerable portion of the year, dependent upon the mode which their fathers initiated upwards of 60 years ago, before steam power was ever applied for purposes of locomotion. During these 12 years they have patiently awaited the fulfilment by the General Government of the terms of union in this particular, until we are reluctantly constrained to say that the Dominion Government have evinced a marked indifference, not only for the welfare of this Island, but for the sanctity of their own obligations as well.

15. Satisfied that this state of things cannot longer continue without a breach of that harmony which is so indispensable between the provinces of the Confederation, and feeling that the Island is being treated unjustly and its prosperity seriously retarded, we appeal to Your Majesty, and humbly pray that you will take the premises into your most gracious consideration, and require that justice be done by the Government of Canada to Your Majesty's loyal subjects of this province, by the immediate "establishment and maintenance of efficient steam service for the conveyance of "mails and passengers between this Island and the mainland of the Dominion, both "winter and summer, so as to place the Island in continuous communication with the "Intercolonial Railway and the railway system of the Dominion;" and further, that your Majesty will be pleased to require that the Government of Canada compensate this Island for the loss which has resulted to its inhabitants by reason of the non-fulfilment of the terms of confederation in the particulars complained of herein.

Legislative Council Chamber,
March 27, 1885.

(Signed) JOHN BALDERSTON,
President.

House of Assembly,
March 27, 1885.

„ JOHN A. McDONALD,
Speaker.

PAPERS relating to COMMUNICATION between PRINCE EDWARD ISLAND and the MAINLAND of the DOMINION under the TERMS of CONFEDERATION, to be forwarded to HER MAJESTY THE QUEEN.

SIR,

Province of Prince Edward Island,
Government House, April 7, 1881.

I HAVE the honour to transmit herewith a joint address from the Legislative Council and House of Assembly to his Excellency the Governor-General, praying that immediate measures may be adopted by the Dominion Government to fulfil the terms of confederation with Prince Edward Island by establishing and maintaining efficient steam service for the conveyance of mails and passengers between the Island and the mainland of the Dominion, winter and summer, thus placing the province in continuous communication with the Intercolonial Railway and the railway system of the Dominion, and by causing to be placed at the disposal of the Island compensation for the failure on the part of the Dominion to carry out said terms; and also a joint address from the Council and Assembly, requesting me to cause the said address to his Excellency to be laid before him.

The Hon. the Secretary of State,
Ottawa.

I have, &c.,
(Signed) F. HEATH HAVILAND,
Lieutenant-Governor.

JOINT ADDRESS.

Session of 1881.

To his Excellency the Right Honourable Sir John Douglas Sutherland Campbell (commonly called the Marquis of Lorne), Knight of the most ancient and most noble Order of the Thistle, Knight Grand Cross of the most distinguished Order of Saint Michael and Saint George, Governor-General of Canada, and Vice-Admiral of the same,

&c.

&c.

&c.

We, Her Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Prince Edward Island, in General Assembly convened, approach your Excellency and represent:

1. That upon the 1st day of July 1873, Prince Edward Island entered the Confederation of the Dominion of Canada upon certain terms and conditions set forth in an Order of Her Majesty the Queen in Council, dated 26th June 1873.

2. That in the said terms and conditions of union it was expressly stipulated that the Dominion Government should assume and defray all the charges for the establishment and maintenance of efficient steam service for the conveyance of mails and passengers between this Island and the mainland of the Dominion, winter and summer, so as to place this Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.

3. That during no winter season intervening between the year 1873 and the present time has the steam service provided by the Dominion Government been efficient, or the communication with the mainland in any degree continuous.

4. That during the first winter season after the union no attempt was made by the General Government to provide such steam service; that during the two subsequent winter seasons, viz., those of 1874-75 and 1875-76, a wooden steamboat called the "Albert," was placed upon the route between Georgetown and Pictou, but she failed to perform the service satisfactorily. That at the commencement of the winter season of 1876-77, a new steamer, called the "Northern Light," which had been constructed expressly for the work, was placed upon the route.

5. That the records of the trips made by this steamboat are inaccessible to us, but it is notorious that these trips have been most irregular and unsatisfactory, and that at times she has been detained, ice-bound, for periods ranging from 10 to 24 days, to the imminent danger of the passengers and mails.

On more than one occasion during the present winter, some of the passengers, among whom were several females and children, were forced, after remaining on board the vessel for several days, to leave her and walk a distance of many miles to the shore, when, night overtaking them, they received severe injuries from cold and exposure, and one of them has been crippled for life.

6. That the people of this province have suffered great loss by reason of the frequent interruptions to the winter steam service, involving extraordinary delay not only in the transmission of important letters by mail, but also in the conveyance of passengers, thereby causing serious derangement of trade and immense inconvenience to the entire community.

7. That the experience of the last five years fully convinces us that the steamer "Northern Light" is totally unfitted to perform that efficient service undertaken by the Dominion Government, and as we are of opinion that ample time has been allowed for experiments, we submit that means should be adopted without further delay to secure to this province continuous communication in accordance with the terms of union.

8. That one of the principal inducements held out to this province to enter the Confederation was the promise of constant communication with the mainland, and the prospect of participating in the benefits arising from the Intercolonial Railway and other public works, from which its inhabitants had been previously debarred for a large portion of the year, and to the maintenance of which they are called upon to contribute without deriving any corresponding advantage.

9. We submit that the good faith of the Dominion Government is pledged to the fulfilment of the compact of confederation, involving the establishment and main-

tenance of efficient steam service with the mainland, and continuous communication with the Intercolonial and other Dominion railways, and we represent that Prince Edward Island is justly entitled to receive from the Dominion compensation for the non-fulfilment by the Dominion Government of the terms of union in the particular herein mentioned.

Wherefore the Legislative Council and House of Assembly pray that your Excellency in Council will take the foregoing facts into your most serious consideration, and adopt vigorous and immediate measures to remedy the grievances complained of, and cause to be placed at the disposal of Prince Edward Island the compensation to which the province is entitled by reason of the non-fulfilment by the Dominion Government of the terms of confederation.

And as in duty bound we will ever pray.

A true copy,
FREDK. W. HUGHES,
Assistant Clerk,
House of Assembly.

SIR,

Ottawa, April 16, 1881.

I AM directed to acknowledge the receipt of your despatch of the 7th instant, enclosing a joint address of the Legislative Council and House of Assembly of the province of Prince Edward Island, in reference to the establishment and maintenance of steam service for the conveyance of mails and passengers between the province and the mainland.

I have, &c.,
(Signed) EDWARD J. LANGEVIN,
Under Secretary of State.
His Honour the Lieutenant-Governor of
Prince Edward Island, Charlottetown.

SIR,

Province of Prince Edward Island,
Government House, February 28, 1882.

MY Government have, by a Minute of Council, recommended me to bring to the notice of the Dominion Government that this province is yet without a reply from the Privy Council of Canada to the joint address of the Legislative Council and House of Assembly, passed last Session, on the subject of the failure of the Dominion Government to carry out the terms of confederation by providing continuous communication, winter and summer, between this Island and the mainland provinces of the Dominion.

As the General Assembly meets on the 8th March, my Government are anxious to have the reply with as little delay as possible.

I have, &c.,
(Signed) F. HEATH HAVILAND,
Lieutenant-Governor.
The Hon. the Secretary of State,
Ottawa.

SIR,

Ottawa, March 8, 1882.

I HAVE the honour to acknowledge the receipt of your Despatch, of the 28th ultimo, requesting a reply to the joint address of the Legislative Council and House of Assembly of the province of Prince Edward Island, passed during their last Session, respecting continuous communication between that province and the mainland provinces of the Dominion.

I have, &c.,
(Signed) EDWARD J. LANGEVIN,
Under Secretary of State.
His Honour the Lieutenant-Governor of
Prince Edward Island, Charlottetown.

This Minute was handed to his Honour the Lieutenant-Governor, and by him was forwarded to the Secretary of State, Ottawa. The receipt thereof was acknowledged.

EXTRACT from MINUTES of EXECUTIVE COUNCIL of PRINCE EDWARD ISLAND.

Council Chamber, January 31, 1883.

At a meeting of the Executive Council in Committee.

Present :

The Honourables Messieurs SULLIVAN, CAMPBELL, McLEOD, FERGUSON, PROWSE,
LEFURGEY, ARSENAULT.

The Executive Council in Committee have had under consideration the failure of the Dominion Government to fulfil that condition of the terms of confederation, which stipulates that the Government of Canada shall assume "and defray all the charges for
" the establishment and maintenance of efficient steam service for the conveyance of
" mails and passengers between Prince Edward Island and the mainland of the
" Dominion, winter and summer, so as to place the Island in continuous communication
" with the Intercolonial Railway, and the railway system of the Dominion."

In a joint address of the Legislative Council and House of Assembly of this province, to his Excellency the Governor General, adopted in the Session of 1881, were set forth the enormous disadvantages under which the inhabitants of this Island labour, by reason of the insufficiency of the means provided for the transport of mails and passengers during the winter season, and a request was made for the immediate adoption of vigorous measures for the removal of the grievances complained of, as well as for the allowance of compensation by reason of the non-fulfilment, in such respect, of the terms of confederation. The receipt of this address was duly acknowledged by the Secretary of State, in a Despatch dated 16th April 1881, and upon the notice of the Dominion Government being again directed thereto, and a reply requested, it was learned that the question was receiving their earnest consideration.

The Council in Committee desire to draw the attention of the General Government to the fact that, although nearly two years have elapsed since the acknowledgment of the receipt of the said address, no attempt has been made to improve the means of communication with the mainland provinces of the Dominion, and that the grievances complained of therein still remain.

During the first winter succeeding the union it was not expected that much could be effected towards providing "continuous communication," but the inhabitants of the Island patiently awaited the result of the experiment being made by the Dominion Government to demonstrate the practicability of the winter navigation of the Gulf of St. Lawrence. The futile attempts of the steamer "Northern Light" during the last seven years to maintain "continuous communication" are notorious. Experience warrants the assertion that she is unfitted for the service; her trips, during the few weeks of winter in which she runs, are irregular and unsatisfactory; her carrying capacity is exceedingly limited, and her model is generally condemned.

A strong inducement for this province to enter the Confederation was the promise of "continuous communication with the Intercolonial Railway and the railway system of the Dominion"—a service that would be as thoroughly efficient and regular as the railways with which such communication was guaranteed; in short, that Prince Edward Island should have equal facilities for intercourse with the other provinces as those provinces enjoy between themselves, and should participate in all the benefits arising from the Intercolonial Railway and other public works upon the mainland, from which it had formerly been debarred for a great portion of the year, and to which it contributes without receiving any corresponding advantage.

The inconvenience and loss sustained by the people of this province, in consequence of the imperfect means of winter transport, are incalculable. Irregularity of the mail service, in which delays of 10 consecutive days are often experienced; the consequent derangement of business; the hardships of travelling, which only the strong and robust are able to endure; the dangers attendant upon the winter routes; the total stoppage of all transport for freight or merchandise; these are some of the disadvantages attending the present mode of winter communication between this province and the mainland.

Of continuous steam communication, summer and winter, with the mainland, Prince Edward Island received an assurance and guarantee at the time of its entry into the Confederation in 1873. Nearly 10 years have now elapsed since that event, and but one abortive attempt has been made by the General Government to carry out the solemn engagement into which they then entered. It is not the office of the

Government of this province to dictate to the Dominion Government as to the way in which they shall carry out the terms of union in respect to "continuous communication," but the Council in Committee are bound to express the opinion that only a very feeble attempt has been made to accomplish this object, and that the means of attaining this most desirable end have not been nearly exhausted.

To carry out the terms of confederation with British Columbia, the Dominion is expending an immense sum of money in the construction of the Pacific Railway, yet to provide the means of communication between the two provinces, over a distance of scarcely nine miles, and thus fulfil an obligation equally as binding as that with British Columbia, the General Government have displayed a marked indifference.

The Council in Committee feel that the Government of Canada are justly chargeable with a most serious violation of the terms of union in this respect; they desire, once more, to bring the matter prominently before the notice of your Excellency in Council, with the earnest hope that the ensuing session of Parliament will not be allowed to pass without the adoption of effective measures for the immediate fulfilment of the terms of confederation. They request that they may be furnished with a reply to the address of the Council and Assembly herein referred to, as well as to this Minute, in sufficient time to submit the same to the Legislature of this province at the approaching session thereof. Should the Dominion Government fail to comply with the just request of this province, its Government will be reluctantly compelled to lay the grievances complained of at the foot of the Throne, and to appeal for redress to Her Majesty the Queen as one of the parties to the articles of confederation.

Certified, a true extract,

(Signed) R. F. DE BLOIS,
Clerk, Executive Council.

(TELEGRAM.)

To the SECRETARY of STATE, OTTAWA.

Charlottetown, March 27, 1883.

REQUIRED immediately to lay before the Legislature now in session, Dominion Government's answer to joint address of Legislature of April 1881, relative to steam communication with mainland, and also to Minute of Council of January last upon the same subject.

(Signed) T. HEATH HAVILAND,
Lieutenant-Governor.

(TELEGRAM.)

To the LIEUTENANT-GOVERNOR of PRINCE EDWARD ISLAND, CHARLOTTETOWN.

Ottawa, March 28, 1883.

SUBJECT referred to in your message of 27th instant under consideration.

(Signed) G. POWELL,
Under Secretary of State.

Government House,
Charlottetown, Prince Edward Island,
April 18, 1884.

SIR,

I HAVE the honour to transmit herewith to be laid before his Excellency the Governor-General, a joint address from the Legislative Council and House of Assembly to his Excellency the Governor-General, representing the failure of the Dominion Government to carry out that part of the terms of confederation which requires the Government of Canada "to establish and maintain efficient steam service for the conveyance of mails and passengers between the Island and the mainland of the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion," and

praying that his Excellency in Council will take such action as shall cause the grievance complained of to be remedied and the terms of union to be fulfilled, as well as praying that compensation be paid to Prince Edward Island for the non-fulfilment of the said terms.

I have, &c.,
(Signed) T. HEATH HAVILAND,
Lieutenant-Governor.

The Hon. the Secretary of State,
Ottawa.

JOINT ADDRESS.

Session of 1884.

To his Excellency the Most Honourable Sir HENRY CHARLES KEITH PETTY FITZMAURICE, Marquis of Lansdowne, Governor-General of Canada and Vice-Admiral of the same, &c., &c., &c., in Council.

Her Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Prince Edward Island, in General Assembly convened, approach your Excellency, and represent that,—

During the Session of 1881 they addressed the Governor-General of Canada in Council, calling attention to the fact that the General Government had failed to carry out one of the conditions of the compact under which Prince Edward Island entered the Confederation of the Dominion of Canada, viz. :—

“To establish and maintain efficient steam service for the conveyance of mails and passengers between the Island and the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.”

At the same time they prayed for the adoption of vigorous and immediate measures for remedying the grievances complained of, as well as for compensation to this province on account of the non-fulfilment by the Dominion of the terms of confederation.

The receipt of this address was duly acknowledged by the Secretary of State in a despatch dated 16th April 1881, and upon the notice of the Dominion Government being again called thereto, assurances were returned in both of the years 1882 and 1883 that the question was under their consideration.

Notwithstanding that three Sessions of the Dominion Parliament have been held since the receipt of their address afore-mentioned, no improvement whatever has been made in the means of winter communication, and the Legislature of this province are not aware that as a result of the investigation of the question during the three years which have elapsed, the General Government have decided upon any definite steps towards an absolute fulfilment of their obligations.

In this, the eleventh year of their connexion with the Dominion of Canada, instead of enjoying that efficient and continuous steam communication with the mainland, guaranteed them at the time of their entry into the confederation, for a very considerable portion of the year the people of Prince Edward Island are entirely dependent upon a mode that was in use before steam power was applied to the propulsion of vessels.

During all this time they have patiently awaited the fulfilment by the General Government of the terms of confederation in this particular respect, until the Legislature are reluctantly constrained to say that, in their opinion, the Dominion Government have evinced a marked indifference, not only for the welfare of Prince Edward Island but for the inviolability of their own obligations as well.

During the first winter succeeding the union, the people of this province did not expect that much could possibly be effected towards providing “continuous communication,” neither was anything attempted in such respect; but they anticipated, at the least, that the matter would receive the early and earnest consideration of the Government, who would be only too anxious to carry out the pledged faith of the Dominion to the smallest and most helpless of its provinces. Not so, however; but for three consecutive winters the fulfilment of their guarantee was mocked by the employment of an old vessel called the “Albert,” whose usefulness in every other sphere of navigation had long previously departed.

Eventually, in 1877, a steamer, the “Northern Light,” which had been built for service in the St. Lawrence River, near Quebec, was purchased by the Government,

and placed on the route between Georgetown and Pictou, where she has continued up to the present time.

Whatever may be the general opinion of the work performed by the "Northern Light" during the last seven years, of this fact there is no doubt: that for an average of eight weeks in each winter she is laid up; that during the time she runs her trips are uncertain, irregular, and unsatisfactory, and the accommodation afforded is neither continuous nor efficient. While the "Northern Light" has no doubt been useful in demonstrating the practicability of the winter navigation of the Straits of Northumberland, the Legislature submit that she has proved herself utterly incapable of successfully overcoming its difficulties; and they observe, with regret, that the only improvement contemplated is the adaptation in some way of a steamer intended for the lighthouse service, so as to supplement the work of the "Northern Light."

The Legislature consider it almost unnecessary to recount the peculiar disadvantages under which this province labours, owing to its insular position, for they feel that, from the constant representations which have been made, the Government and Parliament of Canada cannot be ignorant of them, and it is for this reason that the people of the Island are inclined to the belief that they are the victims of a serious injustice at the hands of a body who should protect their interests.

Cut off, as they always were, for nearly five months of the year from all communication with the mainland, except by a most uncertain and dangerous route, a promise of continuous communication with the Intercolonial Railway and the railways of the Dominion was indeed a strong inducement to them to surrender their self-government and unite with Canada. They naturally expected that, within a reasonable time, they would possess uninterrupted communication, at all seasons of the year, with the rest of Canada and of the world—that they would enjoy equal facilities for intercourse with the other provinces as those provinces enjoy between themselves, and would participate in all the benefits arising from the Intercolonial Railway and other public works upon the mainland, from which they had previously been debarred for a great portion of the year.

The inconvenience and loss which they have suffered in consequence of the failure of the Federal Government to provide them with the efficient communication promised are incalculable, while the disappointment to their expectations has not tended to enhance, in their estimation, the value of a connexion with the Dominion, but, on the contrary, has awakened a feeling of discontent which, though a matter of regret, is not unnatural under the circumstances.

Were it only the transport of freight and merchandise that was stopped during the winter season, they would have good reason to complain of being precluded from the benefits of the Intercolonial and other railways which their more fortunate neighbours on the mainland enjoy; but their complaint, as well, is that in direct violation of the compact upon which they entered the Confederation, no efficient and continuous means of steam communication have been provided whereby mails and passengers can be transported to the mainland. The derangement of business consequent upon the irregularity of the mail service, when for 10 days, at times, no communication whatever is had with the rest of Canada, exercises a most prejudicial effect upon their interests. The hardships of travelling, which only the strong and robust are able to endure, and the dangers attendant upon the present mode, are other disadvantages from which they suffer most acutely.

The feeling that they are being unjustly treated is not without great foundation. As members of one vast country, the welfare of all is assuredly the object to be attained, and where difficulties or hardships militate against the prosperity of the people, their removal is undertaken by the General Government. On what other ground can the vast system of railways, canals, and other public works be accounted for than as means to overcome distance and to remove difficulties of transport? So rapidly has Canada grown since confederation that the means of communication are found not to keep pace with the rate at which the country is developing, and millions of dollars are being annually spent in linking together the scattered provinces from the Atlantic to the Pacific. But three years ago the Federal Parliament, in order to keep faith with British Columbia, a province of little more than ten thousand of a population, contracted for the construction of over 2,000 miles of railway at a cost of millions of dollars; yet the fulfilment of the terms of union with Prince Edward Island, a province of equal importance at least with British Columbia, by providing the means of communication over a strait less than nine miles wide, is postponed from year to year without any thought, as it would seem, that thereby a solemn and binding obligation is being broken, and an immense injury being done to its people.

The Legislature of Prince Edward Island are satisfied that this state of things cannot longer continue without a breach of that harmony which is so indispensable between the provinces of the Confederation. They feel that the province is being treated invidiously and unjustly, and that its prosperity is retarded, in a great degree, by the failure to afford that efficient communication with the rest of the world so necessary to an agricultural community.

Were the General Government asked, as a matter of grace, to grant continuous communication with the mainland, some reasonable ground might exist for refusing to do so; but when the request is only that they fulfil their obligations, and carry out their pledged faith, by providing efficient steam service, summer and winter, their neglect to do so is inexcusable.

The Legislature of Prince Edward Island are of opinion that the Government of Canada are justly chargeable with a most serious violation of the terms of union in the manner in which they have pointed out, and they desire to bring again the matter prominently before the notice of your Excellency in Council, in order to the adoption of immediate and effective measures for the absolute fulfilment of the terms of confederation, or otherwise that they may be informed that your Excellency's Government are either unable or unwilling to abide by their compact.

The Legislature submit that on every principle of justice this Province should receive compensation in view of the immense loss and disadvantage which have accrued by reason of the failure of the General Government to provide the efficient and continuous communication guaranteed by the terms of confederation, and they therefore claim, as due to the present time, the sum of \$5,000,000, to which they consider this province justly entitled.

The Legislature trust that this most important matter, which they now, for the last time, bring under the notice of the General Government, may immediately engage their attention, and that a favourable answer will be accorded without delay, otherwise the Legislature desire that the Government of the province invoke the interference of Her Majesty the Queen, by laying a statement of the grievances complained of at the foot of the Throne.

A true copy,

FREDK. W. HUGHES,

Assistant Clerk, House of Assembly.

SIR,

Ottawa, April 24, 1884.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 8, of the 18th instant, transmitting, in order that the same may be laid before his Excellency the Governor-General, a joint address from the Legislative Council and House of Assembly of Prince Edward Island, on the subject of an efficient steam service for the conveyance of mails and passengers between that province and the mainland of the Dominion, winter and summer, and to state that the matter will receive due consideration.

His Honour the Lieutenant-Governor
of Prince Edward Island, Charlottetown.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

Government House,
Charlottetown, Prince Edward Island,
February 28, 1885.

SIR,

I HAVE the honour to transmit herewith, for the consideration of his Excellency the Governor-General in Council, an approved minute of my Council passed on the 28th instant, upon the subject of the non-fulfilment of the terms of confederation in respect to communication with the mainland, together with the copy therein referred to of the address of the Legislature of the Island, as passed in the Session of 1884, on the same subject.

I have, &c.,
(Signed) A. A. MACDONALD,
Lieutenant-Governor.

The Honourable the Secretary of State,
Ottawa.

EXTRACT from MINUTES of the EXECUTIVE COUNCIL of PRINCE EDWARD ISLAND.

Council Chamber, February 20, 1885.

At a meeting of the Executive Council in Committee :

The following minute was adopted, and ordered to be handed to his Honour the Lieutenant-Governor for transmission to the Dominion Government :

Adverting to the joint address of the Legislative Council and House of Assembly, in the Session of 1884, to his Excellency the Governor-General in Council (a copy of which is herewith transmitted), upon the subject of the non-fulfilment of the terms of confederation in respect to communication with the mainland, the Executive Council in Committee desire to bring to the notice of his Excellency in Council the fact that, beyond a formal acknowledgment of the receipt of the said address, no reply thereto has been received.

Without entering into a recapitulation of the statements set forth in the said address, the Council in Committee wish to draw his Excellency's attention to the several steps which have been taken by this province towards securing the fulfilment of the compact of confederation in the particular alluded to, and which have proved so far entirely unsuccessful. And here they desire to express their surprise and regret at the extraordinary apathy with which the interests of Prince Edward Island have been treated in this regard.

Trusting implicitly in the good faith of the General Government, the people of this province waited patiently for seven years the fulfilment of the terms of confederation, until, in 1881, the Legislative Council and House of Assembly united in an address to his Excellency the Governor-General, setting forth the disadvantages under which they laboured, praying for the adoption of vigorous and immediate measures to remedy the grievances complained of, and requesting compensation for loss sustained by reason of the delay which had occurred.

The receipt of this address was formally acknowledged on 16th April 1881, but no other reply was received. On 28th February 1882 the Lieutenant-Governor of this province communicated with the Secretary of State, directing attention to the address, and to the fact that it had not been answered, when subsequently a reply was received that the Government of Canada were giving their earnest consideration to the question.

Another year having passed, the Council in Committee, on the 31st January 1883, drew the attention of the General Government to the fact that, although nearly two years had elapsed since the receipt of the address of 1881, no attempt had been made to improve the means of communication, and that the grievances complained of in the said address still remained. Upon 3rd March following, the Provincial Government requested a reply to the minute of 31st January, in such form as could be submitted to the Legislature then about to meet. No answer being received, on 27th of March the Lieutenant-Governor telegraphed to the Secretary of State, and was informed in reply that the subject was under consideration.

Wearied with long waiting and ineffectual applications, the Legislative Council and House of Assembly, at their last Session, again approached his Excellency in Council, renewing the relation of their grievances, but, as already mentioned, beyond a simple acknowledgment, their appeal has been unsuccessful.

Why the claim of Prince Edward Island to a fulfilment of the compact by which Canada secured its adhesion to the Confederation should be so persistently ignored, it is difficult to conceive. By a contract, entered into with extraordinary solemnity, the General Government agreed, for certain considerations, to "establish and maintain" efficient steam service for the conveyance of mails and passengers between the Island and the mainland of the Dominion, winter and summer, thus placing the Island in "continuous communication with the Intercolonial Railway and the railway system of the Dominion," yet during no year of nearly 12 which have elapsed since the union, has the communication provided been such as was guaranteed. For eight or nine weeks each winter, the people of this province are dependent, for their postal communication, upon a system in use among them long years before steam power was ever applied for purposes of locomotion. Unsatisfactory as this state of affairs is, it is aggravated by the neglect, during this period, to provide any means whatever for the transport of passengers, and it is only as a matter of favour on the part of the mail couriers that persons are enabled to make the passage, and then only in open boats, which are wholly unprovided with the means of sustenance, warmth, or shelter, and at the

imminent peril of their lives. To show that this language is not extravagant it is only necessary to refer to the experience of the crew and passengers, 22 in number, who, in January last, were detained on the ice between Capes Traverse and Tormentine for two days and one night, during which they suffered most severely, and from which many of them will never entirely recover.

The address of last Session imposed upon the Provincial Government the duty, in the event of a favourable answer not being accorded thereto without delay, of invoking the interference of Her Majesty the Queen to obtain that justice which the Island has been so long denied. While it is a subject of deep regret that the Dominion Government have not seen fit to take any action in the matter therein pressed upon their notice, the Council in Committee feel that no alternative is left to them than to lay at the foot of the Throne a statement of the grievances so long endured, and ask of Her Majesty, as one of the contracting parties to the Articles of Confederation, that she will be graciously pleased to secure to Prince Edward Island that redress which has so repeatedly been sought, but which has not yet been obtained.

Certified a true extract,

R. F. DE BLOIS,
Clerk, Executive Council.

SIR,

Ottawa, March 6, 1885.

I HAVE the honour to acknowledge the receipt of your despatch of the 28th ultimo, transmitting for submission to his Excellency the Governor-General an approved minute of the Executive Council of Prince Edward Island in respect to winter communication with the mainland, together with a copy, to which the same refers, of the address of the Legislature of the Island as passed in the Session of 1884, upon the subject, and to state that the same will receive due consideration.

I have, &c.,

His Honour the Lieutenant-Governor
of Prince Edward Island, Charlottetown.

(Signed) G. POWELL,
Under Secretary of State.

LEGISLATIVE COUNCIL.

Session of 1885.

To his Honour the Honourable ANDREW ARCHIBALD MACDONALD, Lieutenant-Governor of the Province of PRINCE EDWARD ISLAND, &c., &c., &c.

MAY IT PLEASE YOUR HONOUR,

WHEREAS during the present Session of the General Assembly this House did join with the House of Assembly in a memorial to Her Majesty the Queen praying Her Majesty's most gracious intervention in order to obtain from the Government of Canada a fulfilment of the terms upon which this Island entered the Confederation, in respect to communication with the mainland, and also the payment of compensation to this province for the loss sustained by its people in consequence of the failure of the Dominion Government to carry out the said terms, and a joint address of both Houses has been adopted, requesting your Honour to forward the said memorial to his Excellency the Governor-General for transmission to Her Majesty the Queen.

And whereas, since the adoption of the said memorial and address, an insurrection has unfortunately been incited in the North-West Provinces, whereby not only the peace and welfare of the Dominion have been disturbed, but the lives and property of its citizens are endangered, while some of Her Majesty's subjects have met their death in bravely endeavouring to uphold the authority of the British Crown.

And whereas this House recognises the paramount obligation of the General Government to suppress lawlessness and rebellion, and it is the imperative duty of every British subject to assist the constituted authorities in the restoration of quietness and good order, and in the maintenance of the Queen's supremacy.

Therefore this House, unwilling to embarrass the General Government while occupied with matters of such weighty moment to the Empire, and looking to a speedy termination of the insurrection, desire to postpone for the present the carrying

out of the constitutional means by which it seeks to redress a grievance of the people of this province, and request your Honour not to forward the said memorial until such time, during the approaching legislative recess, as in the opinion of your advisers shall be deemed opportune.

Whilst this House regrets that an insurrection has been incited in the North-West Territories, whereby not only the peace and welfare of the Dominion has been disturbed, but that the lives and property of its citizens have been endangered, yet as our case is a very urgent one in our opinion, there should be no unnecessary delay in forwarding the said memorial to Her Most Gracious Majesty the Queen, praying Her Majesty's most gracious intervention in order to obtain from the Government of Canada a fulfilment of the terms of confederation in respect to communication with the mainland, and also compensation to the province for the loss sustained by its people in consequence of the failure of the Dominion Government to carry out said terms.

A true copy,
JOHN BALL,
Clerk, Legislative Council.

HOUSE OF ASSEMBLY.

Session of 1885.

To his Honour the Honourable ANDREW ARCHIBALD McDONALD, Lieutenant-Governor of the Province of PRINCE EDWARD ISLAND, &c., &c., &c.

MAY IT PLEASE YOUR HONOUR,

WHEREAS, during the present Session of the General Assembly the House of Assembly did join with the Legislative Council in a memorial to Her Majesty the Queen, praying Her Majesty's most gracious intervention in order to obtain from the Government of Canada a fulfilment of the terms upon which this Island entered the Confederation in respect to communication with the mainland, and also the payment of compensation to this province for the loss sustained by its people in consequence of the failure of the Dominion Government to carry out the said terms, and a joint address of both Houses has been adopted, requesting your Honour to forward the said memorial to his Excellency the Governor-General, for transmission to Her Majesty the Queen.

And whereas, since the adoption of the said memorial and address, an insurrection has unfortunately been incited in the North-west Territories, whereby not only the peace and welfare of the Dominion have been disturbed but the lives and property of its citizens are endangered, while some of Her Majesty's subjects have met their death in bravely endeavouring to uphold the authority of the British Crown.

And whereas this House recognises the paramount obligation of the General Government to suppress lawlessness and rebellion, and it is the imperative duty of every British subject to assist the constituted authorities in the restoration of quietness and good order, and in the maintenance of the Queen's supremacy.

Therefore this House, unwilling to embarrass the General Government while occupied with matters of such weighty moment to the Empire, and looking to a speedy termination of the insurrection, desire to postpone for the present the carrying out of the constitutional means by which it seeks to redress a grievance of the people of this province, and requests your Honour not to forward the said memorial until such time during the approaching legislative recess, as in the opinion of your advisers shall be deemed opportune.

A true copy,
FREDK. W. HUGHES,
Assist. Clerk,
House of Assembly.

EXTRACT from Minutes of the EXECUTIVE COUNCIL of PRINCE EDWARD ISLAND.

Council Chamber,
August 4, 1885.

The Executive Council in Committee have had under consideration the separate addresses of the Legislative Council and House of Assembly of this province to his Honour the Lieutenant-Governor, passed during their last Session, requesting that, owing to their unwillingness to embarrass the Government of Canada during the existence of the insurrection in the North-West Territories, their joint memorial to Her Majesty the Queen, praying Her Majesty's most gracious intervention in order to obtain from the Government of Canada a fulfilment of the terms upon which this Island entered the Confederation in respect to communication with the mainland, and also the payment of compensation to this province for the loss sustained by its people in consequence of the failure of the Dominion Government to carry out the aforesaid terms, should not be forwarded until such time during the then approaching recess as in the opinion of his Honour's advisers should be deemed opportune.

The Council in Committee advise that, as the insurrection has been effectually suppressed and order restored in the North-West Territories, the said joint address to Her Majesty the Queen, together with the enclosures therein referred to, the said separate addresses to his Honour and a copy of this Minute be immediately forwarded to his Excellency the Governor General for transmission to Her Majesty the Queen.

Certified a true extract,

R. F. DE BLOIS,
Clerk, Executive Council.

Enclosure 2 in No. 1.

CERTIFIED COPY of a REPORT of a COMMITTEE of the Honourable the PRIVY COUNCIL for CANADA, approved by his Excellency the GOVERNOR-GENERAL in COUNCIL on the 7th day of November 1885.

The Committee of the Privy Council have had under consideration a Despatch dated 4th August 1885, from the Lieutenant-Governor of Prince Edward Island, transmitting joint addresses of the Legislative Council and House of Assembly of that province to Her Majesty the Queen, praying her intervention on behalf of Prince Edward Island to obtain from the Dominion Government a fulfilment of its engagement "to maintain efficient steam service for the conveyance of mails and passengers between the Island and the mainland, summer and winter."

The Committee advise that your Excellency be moved to forward the aforesaid joint addresses of the Legislative Council and Assembly of Prince Edward Island to Her Majesty the Queen.

The Committee concurring in the report herewith of the Sub-Committee of Council, to whom the despatch and enclosures were referred, further advise that a copy of this Minute and of the annexed Report, if approved, be forwarded, together with a copy of the said joint addresses, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE,
Clerk, Privy Council, Canada.

Your Sub-Committee find that the Government of Prince Edward Island, previous to confederation, subsidised two steamers for the conveyance of mails and passengers to and from the mainland during the summer season, and that for a period of five months or more mails were carried by ice-boats from Cape Traverse to Cape Tormentine, and thence by sleigh to Amherst, the land carriage being 52 miles, and from cape to cape, over ice and water, nine miles.

Since the union, a subsidy of 10,000 dollars a year has been paid by the Dominion Government to the Prince Edward Island Steam Navigation Company to run steamers daily during the season of open navigation, from Shediac, in New Brunswick, to Summerside, in the Island, and from Pictou, in Nova Scotia, to Charlottetown and Georgetown. This service has been regularly and satisfactorily maintained by that Company, but as their steamers have to lay up early in the fall, the Dominion Government steamer "Northern Light" then takes up the service and continues it as long as the ice permits.

Previous to the union, paddle-wheel steamers only were employed, and it was very generally believed, and for good reasons, that a screw steamer would maintain steam communication to a much later period; but it is altogether improbable that any man who had seen the Straits of Northumberland, or had any knowledge of the ice obstruction in mid-winter, could have supposed it possible to construct a steamer capable of crossing when the ice is at its heaviest in that season, and it is proper to assume that both contracting parties to the union, having such knowledge, understood that the Dominion Government would provide and maintain the means which science and experience might determine as the best and most efficient for the end in view, within the range of possibility.

The Dominion Government, willing and most anxious to do all that was possible in the interests of Prince Edward Island, in the season next following the union, sought by public advertisements for persons to undertake the service, and eventually secured a contract for 10 years with a Mr. King, who claimed to have a steamer specially fitted for ice work. She proved, however, unable to run longer than until the 4th of January. On the part of Mr. King, it was claimed that the season was of unusual severity, and by the inhabitants of Prince Edward Island it was alleged that the steamer was wanting in power, and of a model unsuited to the service.

The contract after this trial was annulled, and the Dominion Government, after the most careful and anxious inquiry, contracted with a Mr. Sewell, of Quebec, to complete a powerful steamer on a model specially designed for ice service.

In December 1876 this steamer, named the "Northern Light," was completed and placed upon the route between Pictou and Charlottetown, and has been maintained each winter to date at an aggregate cost, including construction, of \$249,956 57.

As was feared, the "Northern Light" has been, during the severest part of the winters, unable to force a way through the enormous fields of ice which block the straits at that season, but whilst demonstrating fully the impossibility of continuous steam communication in mid-winter, has reduced the period of interruption to an average of one-third of that previous to the union.

In the Session of the Dominion Parliament of 1883, a Committee of the House of Commons, composed of three representatives from Prince Edward Island, and two from the mainland, was appointed on the 23rd February to investigate the question of steam communication with the Island. All the members of the Committee had personal knowledge of the obstruction to navigation in the straits by ice in winter, and were well qualified for the duty assigned to them.

After long and careful consideration of the subject and examination "of persons, papers, and records," the Committee reported, on the 18th April 1883, in the following words: "It is the unanimous opinion of the members of Committee, confirmed by the testimony of witnesses of large practical experience, that no steamships can be built capable of keeping up continuous communication in mid-winter." The following extracts from the Report set this forth more at large:—

" House of Commons Committee Room,
April 18, 1883.

" Your Committee beg leave to report as follows:—

" When Prince Edward Island was admitted into the union the following was one of the stipulations on part of the Dominion Government contained in the terms of union,—

" Efficient steam service for the conveyance of mails and passengers to be established and maintained between the Island and the Dominion, winter and summer, thus placing the island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.

" This communication has been maintained in the summer season by the Prince Edward Island Steam Navigation Company between Summerside and Shediac, and between Charlottetown and Pictou, calling at Georgetown, and in the winter season by

the 'Northern Light' between Georgetown and Pictou, and by ice-boats between Capes Traverse and Tormentine.

"To determine the efficiency of this service in the past, and how communication may be most regularly and efficiently maintained in the future, the Committee carefully examined the records of the trips made by the 'Northern Light' during the seasons she has been on the route; also summoned and examined some of the officers in charge, and find that she performed the following number of trips, and failed the number of days marked opposite each season.

* * * * *

"That on an average there were 48 days in mid-winter she was unable to effect the crossing.

"The daily records kept by the captain of the 'Northern Light,' and the testimony given by the officers, show that the heavy ice encountered was the cause which compelled him to discontinue crossing in mid-winter.

"The evidence of the officers examined is also to the effect that the steamer is not sufficient to overcome the difficulties of the winter navigation, and although they suggest slight improvements in her model, which would better fit her for the purposes for which she was intended, still are unanimously of opinion that no steamship can be built capable of keeping up continuous communication in mid-winter between the Island and the mainland."

"We examined personally several gentlemen of large practical experience in crossing "from the Island in the winter season, all of whom confirm the above, and whose "evidence is hereto appended."

The Committee, having reached this conclusion, made certain suggestions for the improvements by the route by the capes, the most important of which, viz., the construction of lines of railway to the capes, and suitable shipping piers, had been previously decided upon by the Dominion Government.

The address points out that the distance from the Intercolonial Railway to Cape Tormentine is 40 miles, and from the Island Railway to Cape Traverse, 12 miles, which it is stated had to be travelled "in open sleighs in the coldest and most stormy portion of the year," but omits to state that a railway to Cape Tormentine was under construction, and a large sum provided for the erection of a shipping pier, whilst to Cape Traverse, on the Island side, the railway had been completed, and, as suggested by the Committee of Parliament, houses of shelter for passengers, boatmen, and boats, had been erected.

The language of the address in alleging that the Dominion Government has "shown "no sufficient disposition to fulfil its obligation toward the Island," and with having "unaccountably neglected and treated with apathy and indifference" the interests of the Island, seems to the undersigned, in view of all the circumstances, unwarranted.

For half a century the Government of Prince Edward Island forwarded mails and passengers by ice-boats across the straits, and by open sleighs overland for five months in each year, and more recently by subsidised steamers, in summer, instead of sailing packets. This change from sailing vessels to steamers for summer appears to have been the only change or improvement made by the Island Government in 50 years, although having control of a larger sum in revenue than the Island now pays into the Dominion Treasury.

The efforts of the Dominion Government, as marked by expenditure, to meet the wishes of the people of Prince Edward Island, and to give them improved means of communication with the mainland, are, of course, known to the Legislative Council and Assembly, although they have been overlooked by them when preparing the address. That expenditure may be summarily stated as follows :—

	\$	c.
Cost and maintenance of "Northern Light" -	249,956	57
Subsidies for summer service and for ice-boats at capes -	196,073	75
Construction of Cape Traverse Branch Railway and enlargement of pier -	199,190	03
Expended by Public Works Department in connexion with piers, boat-houses, and cable service -	25,678	53
To pay Island Government for pier required in cape services -	12,400	00
Subsidy for construction of railway to Cape Tormentine -	118,400	00
Appropriation for pier at Cape Tormentine -	150,000	00
Total -	951,698	00

This large expenditure for the transmission in comfort of passengers to and from the capes is worthy of more consideration in view of the fact that in the last two seasons the average number of passengers in each crossing of the "Northern Light" was only a fraction over nine, and of the further fact that the Dominion Government has maintained the Island Railway at a cost, since its opening to 30th June 1884, of \$843,911 in excess of all its receipts, besides an expenditure thereon on capital account of about half a million dollars.

The passenger list of the "Northern Light" for the winters 1884-85 averaging only nine per trip, and the large annual deficit in working the Island Railway, are the best evidence of the limited travel to be provided for, and although it may be some inconvenience to have steam communication suspended for a period of 48 days, yet it does not warrant the language of the address that "an incalculable loss has been suffered by the people of Prince Edward Island by the failure of the Dominion Government" to do what a Committee of Parliament says is impossible.

In the accompanying address, passed by the Legislature in 1884, it is claimed that the loss is great because the chief pursuit of the Island people is agriculture, and the compensation for damages is placed at five million dollars as due to the date of the address.

In considering this assertion it must be borne in mind that the Dominion Government did not undertake the carrying of agricultural produce nor freight of any kind, although it has, at all times, afforded facility for the transport of any freight offering.

It is further stated in the address that Prince Edward Island has been unjustly and invidiously treated, inasmuch as the Dominion Government has contracted, at a cost of many millions of dollars, "for 3,000 miles of a railway to British Columbia, " a province with 10,000 of a population, exclusive of Indians and Chinese, whilst in " the case of Prince Edward Island a sacred obligation is being violated and an " immense injury done to a large body of people."

The undersigned cannot refrain from submitting that a discussion of the relative importance of the several provinces, and of the comparative expenditure therein of the Federal moneys, is not the means best adapted to promote that harmony which the address of 1884 says is so "indispensable between the provinces of the Confederation."

In the distribution of public moneys Prince Edward Island has no cause of complaint. It is true that large expenditures have been made for railways and canals in the general interest, but the local wants of the provinces have not been overlooked, and Prince Edward Island has been dealt with in a most liberal manner, and apparently without regard to her contribution to the general revenue.

The address seeks, in its reference to the construction of the Canadian Pacific Railway, an opportunity to establish and emphasise a wrong to Prince Edward Island. Doubtless the maintenance of continuous steam communication between the Island and the mainland in mid-winter is of as much interest to the people of that province as is the construction of the Canadian Pacific Railway, although in the one case it means the transport of *nine* passengers a day for an average period of 48 *days* a year in mid-winter, whilst in the other it is a great national work, providing a highway in common for the eastern and western provinces, and the opening up of vast areas of the richest soil, upon which many settlers from the older provinces, including Prince Edward Island, are finding homes, instead of in the United States. To take the view indicated by the address that the construction of the Canadian Pacific Railway is merely a local work, the comparison then suggested with Prince Edward Island should not be confined to British Columbia, as Ontario, Manitoba, and the North-West Territories receive as much local benefit therefrom as does British Columbia.

In a strictly local view, it is not unjust to say that expenditure shall in some measure be governed by receipts, present or prospective, and the tone of the Legislature of Prince Edward Island, in speaking in 1884 of "British Columbia" as a province of "10,000 people, exclusive of Indians and Chinese," and in 1885 "of 15,000," demands a comparison of revenue returns from the two provinces.

In the returns last published—30th June 1884—Prince Edward Island is credited with:—

								\$	c.
From customs	-	-	-	-	-	-	-	170,863	40
" excise	-	-	-	-	-	-	-	22,615	26
Total contribution to revenues	-	-	-	-	-	-	-	193,478	66

In the same year British Columbia is credited with :—

	\$	c.
From customs - - - - -	884,076	21
„ excise - - - - -	58,018	89
Total contribution to revenues - - -	942,095	10
Nearly five times as much as Prince Edward Island.		
In the comparison which is called for by the reference to the Canadian Pacific Railway in the address, Manitoba and the North-West Territories should be included as follows :—		
From customs - - - - -	\$734,185	77
„ excise - - - - -	157,417	99
	891,683	76
Total revenue contributed by British Columbia, Manitoba, and the North-West Territories - - -	1,833,698	86
As against Prince Edward Island - - -	193,478	66

If evidence were wanting of the anxious desire of the Dominion Government to promote the interests of Prince Edward Island in every possible way, it may be found in the same public returns of the expenditure in and for the Island in 1884, which is by no means exceptional, viz. :—

	\$	c.
Payment of interest on her public debt - - -	195,407	55
Subsidy to Local Government for local purposes - - -	164,510	00
Postal expenses - - - - -	\$46,465	21
Less postal revenue - - - - -	29,154	80
	17,311	41
Expenses of operating railway in excess rev. receipts - - -	91,924	01
Militia and defence - - - - -	12,141	00
Collection of customs - - - - -	20,856	21
Collection of excise - - - - -	2,506	89
Administration of justice - - - - -	18,800	00
Maintenance of lights and buoys - - - - -	19,059	62
Protection of fisheries and fish breeding, exclusive of bounty payments - - - - -	3,539	38
Superannuation - - - - -	2,156	00
Lieut.-Governor's salary - - - - -	7,000	00
Subsidies to steamers and winter service - - - - -	32,876	00
Subsidy to Fishwick's steamboat - - - - -	3,000	00
Outside expenses :—Lights - - - - -	3,000	00
Indians - - - - -	1,993	87
Public Health - - - - -	885	40
Audit and Assistant Receiver General's offices - - -	4,845	92
Subsidy to telegraph connexion - - - - -	1,946	66
Expenditure on harbours and rivers - - - - -	28,581	58
Public buildings - - - - -	7,861	89
Constructing of lights - - - - -	2,158	60
Interest upon a capital expenditure on Island Railway of \$578,920 - - - - -	28,946	00
Relief of sick seamen - - - - -	\$1,226	31
Less dues - - - - -	684	46
	541	75
Expenditure by Department of Agriculture - - - - -	1,389	88
Representation, say - - - - -	15,000	00
Repairs of dredges - - - - -	1,714	99
Total - - - - -	689,954	91

It will thus be observed that while the expenditure for the fiscal year ended 30th June 1884, is \$689,954 91, the total revenue derived from all sources is but \$193,478 66.

Making an expenditure of over \$6 per head of the population (112,000) of the Island, whilst the total receipts are only \$1 $\frac{72}{100}$ per head.

It will be claimed on behalf of the Island that the population consumes goods the produce of the mainland. No doubt this is true, but the same occurred previous to the confederation.

In 1872 the imports of the colony of Prince Edward Island from the Dominion were—

								\$
From Old Canada	-	-	-	-	-	-	-	381,179
„ Nova Scotia	-	-	-	-	-	-	-	358,961
„ New Brunswick	-	-	-	-	-	-	-	327,340
Total	-	-	-	-	-	-	-	1,067,480

upon which duties were collected.

The total entered for consumption from all countries was	-	1,605,241
And the total revenue	-	302,757

The total exports of the colony were \$1,497,058, of which Nova Scotia and New Brunswick took \$749,129, or, say, one-half.

No doubt, the same inter-provincial trade continues, with this change in favour of Prince Edward Island, that the goods from the other provinces are now free of duty, whilst previous to the union they paid duties the same as on importations from other countries. That Prince Edward Island may have felt inconvenience from the interruption in the trips of the “Northern Light” may be admitted; but that her material interests have suffered greatly is disproved by the fact that her exports to foreign countries have nearly doubled from 1872 to 1884, whilst the increase of the whole Dominion for the same period has been only ten and a half per cent ($10\frac{1}{2}\%$).

In making this comparison of the payments to the general revenue by Prince Edward Island and British Columbia, and the North-West, and in stating the annual expenditures for the Island, the undersigned are moved thereto only by the implied charge in the address, that the Western Provinces are being treated by the Dominion Government more generously than the Island, and it is not intended that the liberal manner in which all the public services of the Island have been dealt with, regardless of the revenue receipts, shall be taken as a consideration or recompense for the alleged failure to carry out the terms of the union.

The liberal treatment of Prince Edward Island results from the policy and practice of the Dominion Government to watch over the interests of the smaller provinces, and Prince Edward Island, from her isolated position, and with a population less than some cities on the mainland, has received especial consideration.

If continuous steam communication has not been maintained, it is certainly not because the Dominion Government sought to avoid expense. The “Northern Light” is as large and powerful a steamer as experience in Arctic exploration has proved advisable, and she is kept on full expense, equipped and ready to run at all times during the entire winter, and were it possible to do so, no additional expense would be incurred except for fuel, whilst the cost of the ice-boat service would be saved, and the construction of railways, piers, and boat-houses to and at Capes Traverse and Tormentine, rendered unnecessary.

It is stated in the addresses that “beyond the formal acknowledgments of memorials from the Island Government, no other answers were given,” but the action taken by the Dominion Government was a better answer than any paper declaration. The “Northern Light” was constructed and placed at Charlottetown, as headquarters. Her officers and crew are inhabitants of the Island, and her unceasing and hazardous efforts to make communication in the severest weather cannot be unknown to the Island Government. The representatives of the Island were in Parliament when appropriations were made for the construction of the railway to Cape Traverse, and for the erection of piers. It was publicly known that a railway was under construction to Cape Tormentine, where the Dominion Government had appropriated \$150,000 to erect a suitable shipping pier in connexion with the road (to hasten the completion of which a subsidy of \$118,400 has now been granted), and that boat-houses had been erected at the capes as recommended by the Committee of Parliament herein-before referred to. That the Island Government was fully conversant with the whole action and plans of the Dominion Government may be assumed from the fact, that it demanded payment of \$12,400 for an old public wharf that was utilised in the construction of the pier at Cape Traverse.

In brief, the Island Government knew that every possible effort had been made by the Dominion Government to navigate the straits from Charlottetown and Georgetown to Pictou, with a failure of an average of 48 days; it knew that the Dominion Government in making great expenditures on railway lines to the capes, was most anxious to reorganise and improve, if possible, that route, notwithstanding that in the ordinary annual local services of the Island, the Dominion Government was returning more than *three* dollars for every dollar received.

All which is respectfully submitted.

(Signed) A. W. McLELAN,
A. CAMPBELL.

No. 2.

GOVERNOR-GENERAL THE MOST HON. THE MARQUIS OF LANSDOWNE, G.C.M.G., to
COLONEL THE RIGHT HON. F. A. STANLEY, M.P. (Received February 15, 1886.)

Government House, Ottawa,
January 30, 1886.

SIR,

I now forward herewith a copy of an approved report of a Committee of the Privy Council together with a despatch from the Lieutenant-Governor of Prince Edward Island of the 18th instant, and copies of two minutes of the Executive Council of that province, both dated the 14th of the present month, relating to the delegation which has been appointed by the Island Government to proceed to London for the purpose of supporting the prayer of the memorial which I had the honour to transmit to you in my despatch of the 19th November last.*

The delegates appointed by the Island Government are the Honourable William W. Sullivan, Premier and Attorney-General, and the Honourable Donald Ferguson, Provincial Secretary. I have furnished these gentlemen with a letter of introduction to you.

I have, &c.,
(Signed) LANSDOWNE.

Colonel the Right Hon. F. A. Stanley, M.P.

Enclosure in No. 2.

CERTIFIED COPY of a REPORT of a COMMITTEE of the HONOURABLE THE PRIVY COUNCIL FOR CANADA, approved by HIS EXCELLENCY the GOVERNOR-GENERAL on the 26th January 1886.

THE Committee of the Privy Council have had under consideration a despatch dated 18th January 1886 from the Lieutenant-Governor of Prince Edward Island, transmitting a minute of his Executive Council, in which it is set forth that a delegation composed of the Honourable William Sullivan, Premier and Attorney-General, and the Honourable Donald Ferguson, Provincial Secretary, have been appointed to proceed immediately to the Colonial Office in London for the purpose of supporting the prayer of the memorial to Her Most Gracious Majesty the Queen, adopted by the Legislative Council and House of Assembly of the Island in the session of 1885, with respect to the question of communication between Prince Edward Island and the mainland.

The Secretary of State, to whom the despatch and enclosure were referred, recommends that the several requests as contained in the despatch be carried into effect.

The Committee advise that your Excellency be moved to transmit the despatch and enclosure to the Right Honourable the Secretary of State for the Colonies, and they further advise that your Excellency be moved to furnish the delegates with a letter of introduction to Colonel Stanley.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council,
Canada.

* No. 1.

Government House, P. E. Island,
January 18, 1886.

SIR

I HAVE the honour to transmit herewith an approved minute of my Council bearing date the 14th January instant upon the question of communication between this Island and the mainland, stipulated for in the terms of confederation, and recommending that a delegation composed of the Honourable William W. Sullivan, Premier and Attorney-General, and the Honourable Donald Ferguson, Provincial Secretary, be appointed to proceed immediately to the Colonial Office in London for the purpose of supporting the prayer of the memorial on that subject to Her Most Gracious Majesty the Queen, adopted by the Legislative Council and House of Assembly of this Island in the session of 1885. And also requesting me to inform his Excellency the Governor-General of such appointment in order that the delegates may be provided with an introduction to Her Majesty's Principal Secretary of State for the Colonies, and that he may be informed of the appointment of such delegation.

I have also enclosed herewith a further approved minute of my Council bearing the same date, referring to the appointment of such delegation and recommending me to communicate by telegraph to the Right Honourable the Secretary of State for the Colonies a notification of the appointment of such delegation, and at the same time soliciting that Her Majesty's decision may be deferred until the delegates shall have had an opportunity of being heard in support of the prayer of the memorial, which despatch has been forwarded, and recommending me to inform his Excellency the Governor-General of the transmission of such despatch, and to request that his Excellency will likewise be pleased to telegraph the Right Honourable the Secretary of State for the Colonies asking that Her Majesty's decision may be deferred.

I have, &c.,
The Hon. the Secretary of State, (Signed) A. A. MACDONALD,
Ottawa. Lieutenant-Governor.

EXTRACT from MINUTES of the EXECUTIVE COUNCIL of PRINCE EDWARD ISLAND.

Council Chamber, January 14, 1886.

At a Meeting of the Executive Council in Committee,—

Present :

The Honourable Messieurs

Sullivan,	Ferguson,	Campbell,
Arsenault,	Lefurgey,	Prowse,
McLeod,	Burns,	Macdonald.

The Executive Council in Committee have had under consideration the memorial to Her Most Gracious Majesty the Queen, unanimously adopted by the Legislative Council and House of Assembly in the session of 1885, representing the great loss which has accrued to the people of this province in consequence of the failure of the Dominion Government to fulfil that portion of the terms of confederation which guaranteed the "establishment and maintenance of efficient steam service for the conveyance of mails and passengers between this Island and the mainland of the Dominion, both winter and summer, so as to place the Island in continuous communication with the Intercolonial Railway and the railway systems of the Dominion"; as also the minute of the Executive Council of the 4th of August 1885 upon the same subject.

Whereupon the Executive Council in Committee recommend that a delegation be appointed to proceed immediately to the Colonial Office in London for the purpose of supporting the prayer of the said memorial.

They further recommend that the Honourable William W. Sullivan, Premier and Attorney-General, and the Honourable Donald Ferguson, Provincial Secretary, do compose the said delegation; and the Committee request that your Honour will be pleased to inform his Excellency the Governor-General of such appointment, in order that the delegates may be provided with an introduction to Her Majesty's Principal Secretary of State for the Colonies; and that your Honour will also be pleased to ask

his Excellency the Governor-General to inform the Right Honourable the Secretary of State for the Colonies of the appointment of such delegation.

Approved by his Honour the Lieutenant-Governor.

Certified a true extract.

(Signed) R. F. DE BLOIS,
Clerk, Executive Council.

EXTRACT FROM MINUTES of the EXECUTIVE COUNCIL of PRINCE EDWARD ISLAND.

Council Chamber, January 14, 1886.

At a Meeting of the Executive Council in Committee.

Referring to the report of the Committee of the Executive Council of this date, approved by his Honour the Lieutenant-Governor, appointing the Honourable William W. Sullivan, Premier and Attorney-General, and the Honourable Donald Ferguson, Provincial Secretary, a delegation to proceed to London to support the prayer of the memorial to Her Majesty the Queen, adopted by the Legislative Council and House of Assembly in the session of 1885, relative to the non-fulfilment, by the Dominion Government, of the terms of confederation, in respect to steam communication between this Island and the mainland of the Dominion, the Executive Council in Committee recommend that your Honour do communicate by telegraph to the Right Honourable the Secretary of State for the Colonies a notification of the appointment of the said delegation, at the same time soliciting that Her Majesty's decision may be deferred until the delegates shall have had an opportunity of being heard in support of the prayer of the memorial; and also that your Honour inform his Excellency the Governor-General of the transmission of such despatch and request that his Excellency will likewise be pleased to telegraph to the Right Honourable the Secretary of State for the Colonies asking that Her Majesty's decision may be so deferred.

Approved by his Honour the Lieutenant-Governor.

Certified a true extract.

(Signed) R. F. DE BLOIS,
Clerk, Executive Council.

No. 3.

MESSRS. W. W. SULLIVAN AND D. FERGUSON to COLONIAL OFFICE.

MY LORD,

London, March 1, 1886.

THE undersigned having, at the interview with which your Lordship honoured them on Wednesday last, been favoured by your Lordship with a copy of a Report of a Committee of the Honourable the Privy Council of Canada upon the joint address of the Legislative Council and House of Assembly of Prince Edward Island to Her Majesty the Queen, on the subject of the non-fulfilment, by the Dominion Government, of the Terms of Union with respect to communication between the Island and the mainland of Canada, desire to offer the following comments thereon:—

Your Lordship, whose successful administration of Colonial affairs is well remembered in the Dominion, in a despatch to Sir John Young, Governor-General of Canada, dated 4th September 1869, when commending the action of the Dominion Government in re-opening negotiations with the Island, with a view to its admission into the Confederation, used the following words:—

“I trust that in settling the terms proposed as the basis of this arrangement the Government will deal liberally as well as justly with the Island.”

The undersigned deeply regret that it has been found necessary to appeal to Her Majesty to obtain that justice, in the carrying out of the terms agreed upon, which has hitherto been denied the Island.

The Committee of the Privy Council of Canada give it as their opinion “that it is altogether improbable that any man who had seen the Straits of Northumberland, or

“ had any knowledge of the ice obstruction in mid-winter, could have supposed it possible to construct a steamer capable of crossing when the ice is at its heaviest in that season.”

The undersigned submit that the offer of continuous steam communication, summer and winter, was an entirely voluntary act on the part of the Dominion, made in 1869, when Canada endeavoured, at the instance of the Imperial Government, to induce Prince Edward Island to enter the Confederation, to which the inhabitants of the Island had previously been strongly opposed. The terms of Union then proposed were rejected by the Island; but upon a more favourable basis, in other respects, the Union was effected on 1st July 1873, the conditions containing the same stipulation for continuous communication as were offered in 1869. The undersigned have every reason to believe that the terms were concluded in good faith, and they submit that such terms should be carried out. Ample time has been afforded since the consummation of the Union to effect this communication, yet the undersigned must repeat the language of the memorial to Her Majesty, that “ no sufficient disposition has been shown by the Dominion Government to fulfil their obligations towards the Island in this matter.”

The first steamer which was engaged to attempt the crossing between Georgetown and Pictou was notoriously unfit, as the Committee of Council acknowledge. She possessed no qualification for the service, having been originally employed as a wood boat, and not having been constructed to receive steam machinery. After remaining on the route for two seasons, the Government were obliged to cancel the contract with her owner. The “Northern Light,” which was not designed for the service, was purchased by the Government in 1876, and placed upon the route; her incapacity for the work was early made manifest, and has been patent to the Government for many years, yet no steps have been taken to substitute a more efficient vessel or to supplement her with another steamer. Here the undersigned would call attention to a speech in the Senate in 1884, wherein Sir Alexander Campbell, one of the Sub-Committee whose names are signed to the report now under review, promised that a second steamer would be placed on the route to assist the “Northern Light.” Sir Alexander made use of the following language:—

“ The notice that the hon. gentleman from Charlottetown has given is that he will call the attention of the Government to the expediency of making timely preparation for replacing the steamship ‘Northern Light’ by a new vessel, combining such improvements in design and construction as modern experience dictates. In reply to the inquiry, I may say that the Marine Department has entered into a contract for the building of a wooden screw-steamer for lighthouse service in the maritime provinces, and it is intended to build this vessel with extra strong timbers, sheath her with greenheart, and plate her bows with steel or iron, so as to fit her for ice navigation, and to assist the ‘Northern Light’ when necessary. She will be ready for service in October next. It is also intended to repair the ‘Northern Light’ thoroughly next season, replacing all defective timbers and planks, and otherwise strengthening the vessel and fitting her thoroughly for winter navigation. There would then be, therefore, for the service of the Government in or near these straits, the ‘Northern Light,’ thoroughly restored and strengthened, and this new vessel which is now being constructed, and which is to be finished in October, so that the valuable suggestions of my hon. friend would be acted upon, and there would be another vessel there in the event of an accident happening to one of them.”

Strange as it may seem, the new vessel has never been employed to assist the “Northern Light,” although the latter was unavailable for service last winter from the 26th January to the 28th April, a period of 91 days.

It is true that a branch railway has been built to Cape Traverse, but it was not completed until January 1885, nearly three years after the appropriation for its construction, and nearly 12 years after the Island entered the Union. A pier has also been constructed at that point, but, until some natural obstructions are removed, it is available only for vessels of light draught, and a steamer cannot lie at it. A branch railroad is also in course of construction to Cape Tormentine in New Brunswick, but it is, even at this date, only about one-half finished, and, being in the hands of a private company, there is no certainty when it will be completed, notwithstanding that the Dominion Government have voted a subsidy to the undertaking. An appropriation was also made, some years ago, for the construction of a pier at Cape Tormentine; but, up to the present time, so far as is known to the undersigned, the site even has not been fully determined, and no attempt has ever been made to run a steamer at any season between Capes Traverse and Tormentine.

The Committee of Council assume that the Island Government were fully conversant with the whole action and plans of the Dominion Government towards improving the winter communication; yet the undersigned have reason to believe that the Dominion Government themselves were not fully advised of what was being done in the matter. Although a Committee of Parliament in 1883 recommended the erection of boat-houses at both Capes for the accommodation of the men engaged in the service, and for the shelter of the boats, they were not finished until the winter of this year. Sir Alexander Campbell, speaking in the Senate in 1884, said :—

“I am surprised to hear from my hon. friend opposite that the boat-houses have not been built. I called the attention of the Minister of Marine (Mr. McLelan) to the matter last Session, and he told me that the boat-houses would be provided. I shall again call his attention to that question, and to the various suggestions that have been made.”

Again, in the Parliamentary Session of 1885, Sir Alexander Campbell, speaking on the same subject, said :—

“My hon. friend from Prince Edward Island, who introduced the subject to the notice of the House, has, I think, just ground for complaint—ground for complaint, I am sorry to think, perhaps against myself, although really, as he has almost admitted, I am not responsible for the non-execution of the measures which from time to time I have been authorised by the Government to promise in this House. I remember quite distinctly the undertaking which I gave that the boat-houses should be constructed, one on each side of the ferry. I made that promise with the authority of the then Minister of Marine and Fisheries, and, as is my constant practice, the very day the promise was made, I wrote to the Minister of Marine and Fisheries that, pursuant to what he had told me, I made the promise, and that I hoped he would keep it in mind. I afterwards called attention to it, and there were reasons which were more or less sound—I can hardly say sound—which made the delay more or less excusable. It was thought for a time that the orders had been given, and that the boat-houses were in course of construction.”

The Dominion Government have totally neglected, ever since Confederation, to make any provision whatever for the transport of passengers when compelled to resort to the Capes route. While the contract with the ice-couriers stipulated for the carriage of mails, no arrangements were made for passengers, who were forced to effect the crossing as best they could, although the terms of Union require like provision to be made for passengers as for mails. The undersigned would remark that the benefits conferred by the Branch Railway to Cape Traverse are very questionable when it is understood that, after landing passengers at that point, the Government made no arrangements for carrying them across the Straits.

Nearly 13 years have elapsed since the Island became a member of the Confederation, and all that has been accomplished in the fulfilment of the guarantee to provide continuous communication has been the purchase, for the Georgetown-Pictou route, of a steamer, which, during the last five years, has been laid up an average of 70 *days* each winter, and the completion, on the Capes route, of a branch railroad 12 miles in length, only a small part of the distance intervening between the Island Railway and the Inter-Colonial Railway. Even the promises made by a Minister of the Crown (Sir Alexander Campbell) have received only tardy fulfilment, and his assurance that a steamer should be employed to assist the “Northern Light” has never been carried out.

Referring to the Report of the Committee of Parliament in the Session of 1883 to investigate the question of steam communication with the Island, the Committee of Council say that, after long and careful consideration of the subject, and the examination of persons, papers, and records, the Parliamentary Committee reported, on the 18th April 1883, in the following words :—

“It is the unanimous opinion of the Members of Committee, confirmed by the testimony of witnesses of large practical experience, that no steamships can be built capable of keeping up continuous communication in midwinter.”

The undersigned have examined the Report of the said Parliamentary Committee, and have failed to discover therein that they came to this conclusion.

The Island Legislature, in their Memorial to Her Majesty, having instanced the anxiety of the Dominion to fulfil its obligations to British Columbia, by the construction, at an enormous cost, of the Canadian Pacific Railway, as contrasted with the apathy and neglect exhibited in carrying out its pledged faith with Prince Edward

Island in the matter of continuous communication, the Committee of Council proceed to institute a comparison between the amounts contributed to the general revenue by British Columbia and Prince Edward Island, stating them at \$942,095·10 and \$193,478·66 respectively.

Before proceeding to remark upon this point, the undersigned desire to submit that the question of comparative contributions, on either side, is one altogether apart from the issue in this case, which is simply one of performing the terms of a most solemn compact.

There is a not unimportant factor which should enter into a consideration of the amounts contributed by the two Provinces, to which reference has been made. The Halifax Commission, sitting under the provisions of the Treaty of Washington, awarded Great Britain the sum of \$5,500,000, to be paid by the United States for the privilege of using, for twelve years, the fisheries in the waters of Eastern Canada and upon the coast of Newfoundland. This amount was duly paid by the United States to the Imperial Government, who, thereupon, handed over to Newfoundland the sum of \$1,000,000 as the share of that Island. Prince Edward Island, like Newfoundland, ratified the Treaty while a separate Province, and did not at the time of Confederation cede to Canada its right to compensation, and as the whole consensus of evidence before the Commission tended to prove that the fisheries on the coast of Prince Edward Island were the most valuable of any to which United States fishermen were admitted, the Island claimed the sum of \$1,250,000 as its share under the award. This demand, although frequently presented, the Dominion Government have steadily ignored, and have retained in the Federal Treasury the amount which the Island still claims as justly its right. The undersigned submit that, in any consideration of the contributions to the General Revenue, Prince Edward Island has a right to receive credit for the interest, at four per cent., upon the sum claimed, and which would amount annually to \$50,000.

The undersigned cannot refrain from expressing their surprise that the Committee of Council, aware as they must have been of the unequal circumstances of the two Provinces, should have adopted so unfair a comparison as that they propose now to review, and which is based upon partial and misleading returns. The positions of the two Provinces present no points of similarity. The figures quoted are for the year ended 30th June 1884. At that time British Columbia possessed no direct means of communication with the settled portions of the Dominion at any season of the year, and accordingly was compelled to purchase almost all its supplies directly from other countries. These imports all paid duty at the ports of entry in British Columbia, and the amounts collected are credited to that Province. With Prince Edward Island, however, the circumstances are vastly different. Owing to its proximity to the older Provinces, a very large proportion (at least three-fourths) of the dutiable goods which its people use is purchased from wholesale houses in Quebec, Ontario, Nova Scotia, and New Brunswick. As will be readily understood, the duties upon these goods are collected at the ports of entry, and go to swell the apparent contributions of the other Provinces to the Dominion Exchequer. The customs receipts, \$171,443·89 (quoted by the Committee of Council at \$170,863·40) represent only the duties upon the goods which the Island imports directly from countries outside of Canada, so that it is manifestly unfair, under such circumstances, to institute a comparison between British Columbia and Prince Edward Island. It is much to be regretted that the Dominion Government should labour under the grave misapprehension that the customs duties collected in the ports of a Province can at all indicate its contributions to the general revenue. By a parity of reasoning, the Metropolitan county of Middlesex in Great Britain might claim that it contributes the greater proportion of the customs revenues of the United Kingdom, while outlying or inland agricultural counties, such as Suffolk or Bucks, might be held as not yielding adequately to the Imperial Exchequer.

The difficulty of arriving at an absolutely correct calculation of the amount of dutiable goods which the people of Prince Edward Island consume cannot fail to be appreciated, yet the undersigned submit that there are several methods by which it may fairly be estimated. It must be premised that the people of the Island are very large consumers of dutiable goods, for the reason that, being chiefly engaged in agriculture and fishing, their manufactures are very small as compared with the rest of Canada, valuing, according to the last census returns, only \$31·33 per head to \$72·63 per head of the other Provinces.

In proof of the assertion that the people of the Island are principally engaged in agriculture and fishing, the undersigned would again advert to the Census Returns of 1881, which show that (the N.W. Territories not being included)—

One-half the area of Prince Edward Island is cultivated.

Only one-twenty-fifth of the other Provinces is cultivated.

Prince Edward Island has a population of 51 to the square mile.

The other provinces only 4.72.

Prince Edward Island owns 55 animals of live stock for every 100 acres of improved land.

The other provinces only 38.

In field products, Prince Edward Island raises to the acre of improved land $108\frac{3}{4}$ bushels.

The other provinces only $61\frac{1}{4}$ bushels.

From the Fisheries, Prince Edward Island produces \$17.08 per head value.

The other provinces \$3.55.

The people of the Island are generally in comfortable circumstances, in proof of which may be adduced the amount of deposits per head in the Savings Banks, which averages \$16.59 for the Island against \$7.66 for the rest of the Dominion.

These figures clearly prove that the people of Prince Edward Island, from the fact of their not being extensive manufacturers, are under the necessity of using imported goods to a large extent, while the fertility of their soil, the value of their fisheries, and their general independence, demonstrate their ability to purchase. This being understood, the undersigned submit the following calculations, designed to show that the imports of dutiable goods into the Island are very much larger than suggested by the Committee of Council, and consequently the contributions to the revenue proportionately greater.

METHOD 1.

The average revenue of the Dominion from customs and excise, for the three years ended 30th June 1884, was \$27,603,479. The population of Prince Edward Island to that of the whole Dominion is in the proportion of 1 to 39.7. Upon this ratio, the Island's share of the customs and excise revenue would amount to \$695,301.

METHOD 2.

In 1872, the year before its admission into the Union, Prince Edward Island imported directly from countries beyond Canada goods valued at - - - - -					\$1,372,581	
The duty on which amounted to - - - - -						\$184,227
And from Canada, goods the growth and manufacture of other countries, valued approximately at - - - - -					429,354	
The duty on which amounted to - - - - -						89,168
					<hr/>	<hr/>
					\$1,801,935	\$273,395
					<hr/>	<hr/>

It will surely not be argued that, in thirteen years, with a large increase in population, the Island's imports from countries outside the Dominion have decreased from \$1,801,935 to \$822,966, or over 45 per cent., yet this would appear to be the contention of the Committee of Council.

In 1861 the imports of the Island amounted to \$1,021,669; in 1872 they had increased to \$2,439,064, or at the rate of 138.9 per cent. At the same rate, its imports from countries beyond the Dominion should have increased from \$1,801,935 in 1872 to \$4,304,824 in 1884, which, at the present average tariff (free and dutiable combined) of 18.64 per cent., would give a customs revenue of \$802,419.

METHOD 3.

It is a well-established principle that the imports and exports of a country bear a reasonable relation to each other. The imports of the Island for the 10 years preceding Confederation aggregated in value 3,543,147*l.* sterling; the exports in the same period, 2,559,091*l.* sterling, showing that the imports exceeded the exports by

about 100,000*l.* sterling or \$500,000 annually. The imports of the Dominion for the last 17 years aggregated in value \$1,732,983,486; the exports in the same period, \$1,390,946,803; showing that the imports exceeded the exports by about \$20,000,000 annually, or in the same proportion, according to population, as the imports of Prince Edward Island exceeded the exports in the years already quoted.

The exports of the Island have steadily increased during the last 25 years. In 1861 it exported to all countries goods valued at \$793,810, which had increased in 1872 to \$1,497,058, or at the rate of $88\frac{3}{5}$ per cent.

In 1872 the Island exported to countries beyond the Dominion goods valued at \$722,333, which had increased in 1884 to \$1,310,039, or at the rate of $81\frac{1}{3}$ per cent.

Apply this rate of increase to the Island's imports from countries beyond the Dominion in 1872, and we have, as a result for 1884, imports valued at \$3,267,509.

But the figures contained in the Dominion Trade and Navigation Returns do not represent the total exports of the Island to countries beyond the Dominion, inasmuch as a considerable proportion, being shipped through Nova Scotia and New Brunswick territory, is credited to the exports of those Provinces. The annual export of horses from the Island to the United States is not less than 1,500, valued at \$150,000. The Dominion returns for 1883-84 credit the Island with only 256, valued at \$27,486. This is but one instance of many. A considerable part of the large trade which the Island does in eggs with the United States is credited to New Brunswick, while fish and potatoes, which are largely exported to Newfoundland, St. Pierre, and the West Indies, are much of them credited to Nova Scotia, being shipped by way of Halifax. In view of these facts, it would be within the mark to estimate, as indeed the Committee of Council admit, that the Island's foreign export trade has doubled since 1872. Apply the same rate of increase to its imports from countries beyond the Dominion as they stood in 1872, and we have, as a result for 1884, imports valued at \$3,603,371, yielding under an $18\frac{64}{100}$ per cent. tariff, an annual revenue of \$671,668.

The exports of Prince Edward Island since Confederation have increased in a much larger ratio than have those of the Dominion, as the following figures will show:—

The total exports of the Dominion for 1871-2 were \$82,639,683; for 1883-4, exclusive of the Island, \$90,096,437, or an increase of only $9\frac{1}{42}$ per cent. as against 100 per cent., by which the Island's exports have increased in the same time.

To recapitulate the results of the various methods:—

Method I.	-	-	-	-	-	-	\$695,301
„ II.	-	-	-	-	-	-	802,419
„ III.	-	-	-	-	-	-	671,668
<hr/>							
Average annual contribution by the Island from Customs and Excise	-	-	-	-	-	-	723,129
To which add interest on the sum claimed as Island's share of Fishery Award (less amount expended for fishing bounties \$8,569)	-	-	-	-	-	-	41,430
<hr/>							
							\$764,559

This sum of \$764,559, the undersigned submit, should be accepted as closely approximating the annual contributions of Prince Edward Island to the Dominion Exchequer, and is much more likely to be within than in excess of the amount.

In proof of the assertion that a vast proportion of the dutiable goods which not only Prince Edward Island consumes, but Nova Scotia and New Brunswick as well, is imported from wholesale houses principally in the Province of Quebec, the undersigned present the following table, showing the amount per head apparently contributed to the Customs and Excise Revenues in the following Provinces in 1881 and 1884 respectively:—

	1881.	1884.
Quebec	\$7.29	\$7.54
Ontario	4.78	5.14
New Brunswick	4.84	4.93
Nova Scotia	4.00	4.77
British Columbia	13.09	19.10
Prince Edward Island	2.76	1.78

It is absurd to suppose that the foregoing figures represent the actual consumption, per head, of dutiable goods, by the people of the various Provinces; rather do they prove that Quebec is the great importing and distributing Province for the whole of Eastern Canada. The extraordinary percentage for British Columbia is due, as the undersigned have already pointed out, to the peculiar circumstances of that Province in being compelled to import, almost exclusively from countries beyond the Dominion, as well as to the inflation of trade, consequent upon the construction of the Canadian Pacific Railway and other large public works, no less than twelve millions of dollars having been expended thereon in 1885. Now that the Canadian Pacific Railway has been completed, it cannot be expected that the collections in British Columbia will be so large in the future as they have been in the past. As has been the case with Prince Edward Island, so it will be in that Province. While the Canadian Pacific Railway will pour into British Columbia British and West Indian goods, Quebec will continue to be the great importing and distributing Province, and in proportion as the Customs returns of British Columbia decrease, those of Quebec will increase.

The Committee of Council then proceed to make a comparison as between British Columbia, Manitoba, the North-West Territories, and the Island, their figures being as follows:—

Total revenue contributed by British Columbia, Manitoba, and the North-West Territories, \$1,833,698.86, as against Prince Edward Island, \$193,478.66.

The undersigned have only to remark that the same observations which they have applied to British Columbia hold good in the case of Manitoba and the North-West Territories. No direct communication existed between these portions of the Dominion and the rest of Canada when these returns were compiled, and consequently large imports of dutiable goods were made from the United States, with which country direct communication did exist. The immense inflation of trade consequent upon the construction, at so rapid a rate, of the Canadian Pacific Railway, upon which not less than 100 millions of dollars have been expended since 1881, accounts chiefly for the large returns from Manitoba and the North-West Territories, as well as from British Columbia.

The undersigned feel that no further arguments are necessary to prove that Prince Edward Island pays directly and indirectly into the Dominion Exchequer, Customs and Excise duties at least four times as great as that stated by the Committee of Council, while, if the annual interest upon the amount claimed by the Island as its share of the fishery award be included, its contributions will be still further in excess of the sum estimated.

As evidence of the desire of the Dominion Government to promote the interests of Prince Edward Island, the Committee of Council submit a table of the expenditure upon the Island in the year 1884, amounting in the aggregate to \$689,954.91.

Upon the first item, that of interest charged the Island on the Public Debt which the Dominion assumed, the undersigned observe that it is calculated at 5 per cent. As the whole amount of the Island bonds, which the Dominion assumed at the time of Union has been paid off, with the exception possibly of \$1,000, the undersigned consider that it is unreasonable to charge the Island 5 per cent. on her proportion of the Public debt, while the Dominion is able to borrow at 4 per cent., and while the latter is the average rate paid upon the aggregate debt of Canada. The difference between the two rates would cause a decrease in the amount charged of \$39,081.51.

In like manner interest is charged at 5 per cent. upon the capital expenditure on the Island railway. Calculating the interest at 4 per cent., would reduce the sum by \$5,789.20.

The undersigned observe also that the expense of operating the railway, in excess of the receipts, is charged at \$91,924.01. They desire to remark that this amount includes the sum of \$16,000 of extraordinary expenditure, which should not be debited to the Island, and they consider that it should be deducted.

The undersigned also observe that the subsidies to the steamers employed in the summer and winter service, and to the men engaged in the Capes crossing, amounting to \$32,876, are charged in full to the Island. This they consider unfair. Many of the inhabitants of the other Provinces derive equal advantages from this service with the people of the Island, and the means of communication provided are used to a much larger extent by the residents of the mainland than by those of the Island. The undersigned therefore consider it only just that a portion of the expenditure thus incurred should be charged to Canada, and submit that not more than one-half of the

sum expended in such connection should be debited to the Island, in which case an abatement would result of \$16,438.

The subsidy to Fishwick's steamboat of \$3,000 for communication between Halifax, Cape Breton, and the Island, the undersigned submit, has no right to be charged in full to the Island; they object to more than one-third of the amount being so debited, and then a further reduction would be effected of \$2,000.

These sums, which the undersigned consider should not in justice be charged to the Island, amount in the aggregate to \$79,308.71, thus reducing the expenditure for 1884, as stated by the Committee of Council, to \$610,646.20.

To recapitulate, the undersigned submit the following comparative statement of what the Island annually contributes to the General Revenue, and what it receives in return :—

Average annual contribution by the Island from Customs and Excise	-	-	-	-	-	-	\$723,129
To which add interest on the sum claimed by the Island as its share of the fishery award, less the sum paid for fishing bounties	-	-	-	-	-	-	41,430
							<hr/> \$764,559
Sum claimed by Committee of Council to be annually expended on the Island	-	-	-	-	-	\$689,954	
Less amounts which undersigned contend should be deducted	-	-	-	-	-	79,308	
						<hr/> 610,646	
Excess of annual contributions of Prince Edward Island over Dominion expenditure	-	-	-	-	-		<hr/> \$153,913

In proof of the efforts of the Dominion Government to provide improved means of communication, the Committee of Council adduce various items of expenditure since Confederation, aggregating \$951,698. Among these items appears the sum of \$150,000, appropriated for the construction of a pier at Cape Tormentine, *which has not been expended*, the site, so far as the undersigned are aware, not having yet been finally determined. Another item is that of \$118,400 subsidy for the construction of a branch railway to Cape Tormentine. This road is only about half completed, and the subsidy *paid* up to November last, when the Report of the Committee of Council was adopted, did not exceed \$20,000. Neither do the undersigned consider that the whole of this subsidy should be charged against the Island. The work is situate in the Province of New Brunswick, and must be presumed to be of great benefit thereto, otherwise a private Company would not undertake to build it without any previous assurance of assistance from the Federal Government. Besides, the subsidy has only been granted in accordance with a policy pursued by the Dominion Government of giving aid to certain lines of railway on the mainland. The sum of \$12,400 to pay the Island Government for a pier at Cape Traverse, is also included in the expenditure, though at the time the Committee of Council made their report that amount had not been *paid*. Another item is for cable service, which doubtless means the subsidy of 400*l.* sterling annually paid to the Anglo-American Telegraph Company. As the assumption of this subsidy by the General Government was under a distinct and separate article of the terms of Confederation, and has no connection with communication by steam across the Straits, the undersigned object to its being included in the expenditure for the improvement of steam communication. This subsidy for twelve years amounts to \$23,372. The Committee of Council include also in their memorandum the subsidies for the summer mail service and for the winter crossing at the Capes. As similar amounts were paid by the Island Government previous to Confederation, and as they represent only the cost of maintaining the communication which the Island had before the Union, the undersigned cannot admit that they should be included as expenditure for *improving* the means of communication.

The undersigned consider that these various items to which they have taken objection should be deducted from the amount which the Committee of Council claim to have been expended, when the memorandum of expenditure would read as follows :—

Amount claimed to have been expended	-	-	-	\$951,698
Deduct for Cape Tormentine Pier, not expended	-	-	-	\$150,000
Allow one-half paid as subsidy to Cape Tormentine Branch				
Railway, and deduct balance	-	-	-	108,400
Deduct half of summer mail and ice-boat service	-	-	-	196,073
Deduct for Cape Traverse Pier	-	-	-	12,400
Deduct cable service	-	-	-	23,372
				<hr/>
				\$490,245
				<hr/>
Leaving	-	-	-	\$461,453

as the amount *actually expended* within the last 12 years to meet the wishes of the Island, and to give improved means of communication with the mainland.

In the foregoing pages the undersigned have endeavoured to show, and, as they consider, have clearly established—

(1.) That the Dominion Government voluntarily, and without any solicitation on the part of the Island, covenanted to provide continuous communication, by efficient steam service, winter and summer, between the Island and the mainland; that this engagement they have entirely failed to carry out. Further, that the Dominion Government have never, up to the present winter, provided in any manner for the transport of passengers, when obliged to resort to the Capes route, where they have not even attempted the use of steamers; that they have failed to carry out the promises made by their Ministers to the representatives of the Island; and, generally, that they have displayed great inactivity and reluctance to improve such communication as has been afforded.

(2.) That the Committee of Council have erred in representing that the Dominion expenditures exceed by more than three times the amount received from the Island, the undersigned having plainly demonstrated, as they believe, that the Island contributes to the Dominion Exchequer an amount far in excess of what is expended.

(3.) That the amount which the Committee of Council claim to have been expended by the Dominion Government in the improvement of the means of communication with the mainland is largely in excess of the sum actually paid therefor.

Referring to other points, the Committee of Council state that “since the Union, a subsidy of \$10,000 a year has been paid by the Dominion Government to the Prince Edward Island Steam Navigation Company, to run steamers daily during the season of open navigation, from Shediac in New Brunswick to Summerside on the Island, and from Pictou in Nova Scotia to Charlottetown and Georgetown.” The undersigned desire to correct a misapprehension under which the Committee of Council seem to labour, that daily communication exists between Nova Scotia and the Island. This is not the case, as the steamers connect with Pictou only four times a week. Lest it might be inferred that the payment of \$10,000 a year for this service was under a recent agreement entered into by the Dominion Government with the Steam Navigation Company, the undersigned desire to say that such agreement was made by the Island Government previous to Confederation, and the Dominion, in now paying that amount, is only carrying out that agreement.

The statement of the Committee of Council that “previous to the Union paddle-wheel steamers were employed” might lead to the supposition that since then the Dominion Government have obtained the substitution of screw-steamers. The undersigned desire to say that the identical boats which plied on the route for nearly 10 years previous to the Union are still the only ones employed in that service.

Adverting to the report of the Committee of Parliament in 1883, upon the best means of improving the communication between the Island and the mainland, the undersigned find that many recommendations were made, upon which they desire to offer some remarks.

That Committee recommended that the crossing at the Capes should be undertaken by the Government rather than let by contract, yet this suggestion was not acted upon until the present winter.

In regard to the ice-boat service at the Capes, the Committee of Parliament recommended that stations for observation and signal service should be adopted for the guidance of the boats while crossing. No such stations have been provided.

The Committee of Parliament also stated it as their opinion, from the evidence before them, that a small screw-steamer could be used during a considerable portion of the winter in connexion with the ice-boats, and could be safely docked in the board ice when not at work, and they recommended the Government to take measures to test, by actual experiment, the feasibility of this project. No such steamer has

been provided, nor has any attempt been made to test the practicability of such a project.

The Committee of Parliament further reported that the boats of the Steam Navigation Company, subsidised by the Dominion Government, were altogether inadequate to perform the work required of them; that being driven by paddle-wheels they are not capable of contending with ice, and that suitable screw-boats could continue crossing about three weeks later in the fall, and commence two or three weeks earlier in the spring, and they recommended that good substantial boats should be provided to meet the requirements of the Island, and that at least one of these boats should be a screw boat, of such construction as would enable her to run as late in the fall and as early in the spring as a proper regard for the safety of life and property would permit.

This recommendation has been wholly disregarded, and, notwithstanding the fact that the contract with the Steam Navigation Company expired two years ago, the same paddle-wheel boats which have been engaged in the service for the last 22 years are still employed.

The Committee of Parliament further recommended that, inasmuch as the evidence taken before them went to show that the "Northern Light" was fast becoming unfit for service, another suitable steamer should be provided to take her place.

This recommendation has also been disregarded, the "Northern Light" being still employed, and although she annually undergoes some repairs her seaworthiness is open to grave question.

The undersigned have thus deemed it necessary to call attention, at considerable length, to the indifference shown by the Dominion Government to the recommendations of a Committee of Parliament who, the Committee of Council state, reached their conclusions "after long and careful consideration of the subject, and examination of persons, papers, and records."

The Committee of Council say that "the change from sailing vessels to steamers for summer appears to have been the only improvement effected by the Island Government, in their means of communication in 50 years, although having control of a larger sum in revenue than the Island now pays into the Dominion." The unfairness of the latter part of this statement the undersigned having already pointed out, they need not again refer to it. They would merely remark that the promise to overcome the obstructions which, for so large a portion of the year, had cut the people of the Island off from connection with the mainland, was one of the principal inducements for them to enter the Union, and they considered that by confederating with Canada the co-operation of many of the people of the other Provinces, who were interested equally with the people of the Island, would be secured.

The Committee of Council state that during the last two seasons the average number of passengers in each crossing of the "Northern Light" was only a fraction over nine. While not disputing the correctness of this calculation, it is instructive to note that, about three years ago, an order was issued by the Department of Marine, restricting the number of passengers upon any trip to thirty. The making of such an order, the undersigned submit, is sufficient proof that, at times, the passenger travel is large; indeed, the steamer has occasionally carried from 80 to 100 persons. It may be remarked that the officers of the "Northern Light" have found it impossible to enforce the order restricting the number of passengers to 30, and that it has remained inoperative almost ever since its promulgation.

On this point the undersigned desire to introduce an extract from a speech delivered last Session, in the Senate, by the Hon. Mr. Haythorne, wherein he called attention to the very large number of passengers crossing at times in the "Northern Light," and to the want of accommodation afforded by that steamer. He spoke as follows:—

"On my return home from my duties in this House last spring, I was detained on the mainland for two or three days awaiting a change of weather which would enable the 'Northern Light' to come to Pictou. A telegram informed us that she had left Georgetown on her passage. Ultimately she arrived, bringing, as it was said, about 100 passengers. The point to which I wish to draw the attention of the House, and particularly the attention of the Government, is, that there were from 75 to 87 passengers on board on her return; my hon. friend who sits opposite (Mr. Montgomery) says there were 87 passengers on board; but this I have no hesitation in saying, there was barely standing room, to say nothing of sitting accommodation, which one expects to find in a passenger steamer. Hon. gentlemen might suppose that there was a simple remedy for this, by instructing the captain not to take more than a certain number of passengers on board. Well, that of course would be a remedy, but it would be a vast

inconvenience ; and it would be something more,—it would be a cruel thing,—because it is within my knowledge that, last spring, numbers of poor people were waiting for a passage across, and they had not the means to pay their expenses if they had been long detained there. I was informed that some of them went out and sought work while waiting for the arrival of the ‘Northern Light’; and therefore, while taking fewer passengers might be a remedy for the danger, it would be cruel, when the Government have another vessel, fully capable of assisting the ‘Northern Light,’ to detain passengers there.”

The Committee of Council state that the small passenger list of the “Northern Light,” and the large annual deficit in working the Island Railway, are the best evidence of the limited travel to be provided for. The undersigned submit that this argument constitutes no justification for the failure of the Dominion Government to carry out their obligations to the Island. So long as communication with the mainland is at all certain, the traffic is large, but with the irregular movements of the “Northern Light,” and the doubt that exists as to her seaworthiness, it is not extraordinary that travel and traffic are limited. So far as the Island Railway is concerned, traffic is restricted, for the reason that, after the close of navigation, no shipments can be made from the Island. Were the Island’s communication with the Intercolonial Railway and the other railways of the Dominion continuous, as Canada solemnly promised it should be, the case would be different.

The Committee of Council desire it to be borne in mind, that the Dominion Government did not undertake the carrying of agricultural produce nor freight of any kind, although they have at all times afforded facility for the transport of any freight offering. The facility afforded may be judged of when it is explained that the freight capacity of the “Northern Light” is not more than 200 barrels. But while it is true that the Dominion Government did not expressly undertake the carrying of freight, it is well known that freight traffic is more remunerative than passenger traffic, and that if a larger and more powerful steamer had been provided, having increased cargo room, the returns would have been much greater, and the outlay proportionally less.

The Committee of Council say that “it will be claimed on behalf of the Island that “the population consumes goods the produce of the mainland, but that, while this is “true, the same occurred previous to the Confederation;” and they proceed to quote the value of the imports of the Island from the Dominion in 1872, upon which duties were collected, at \$1,067,480. The undersigned desire to say that this amount accurately represents the value of the Island’s imports in 1872 from and through the Dominion of Canada, but that in those imports there were included dutiable goods the growth and manufacture of other countries valued at \$371,163, as also articles on which the Island levied no duty, valued at \$58,190; so that, these amounts being deducted, the sum of \$638,127 would represent the real value of our imports from the Dominion.

The Committee of Council state that the total value of goods entered for consumption in Prince Edward Island from all countries, in 1872, was \$1,605,241. The undersigned cannot conceive where such information was obtained. They have carefully examined the Trade Returns of the Island for that year, and they find that the total imports into the Island amounted in value to \$2,439,078, nearly if not all of which were entered for home consumption. The undersigned must express their regret that so grave a misapprehension should be entertained by the Committee of Council as to the trade of the Island.

The Committee of Council say that “no doubt the same inter-provincial trade “continues with this change in favour of Prince Edward Island—that the goods from “the other provinces are now free of duty, whilst, previous to the union, they paid “duties the same as on importations from other countries.” There can be no doubt that inter-provincial trade continues, as the present tariff of the Dominion is framed with the special view of encouraging manufactures. This trade is, however, much more advantageous to the other provinces than to the Island, as it is impossible that manufactures can be carried on on the Island to any great extent while regular communication with the mainland is interrupted for over four months of the year. That the people of the Island obtain certain goods from the other provinces free of duty is true; but the statement is, nevertheless, misleading. Protected by a high customs duty, the Quebec or Ontario manufacturer is able to obtain in many lines of goods, prices nearly, if not altogether, equal to the cost and duty of the same goods of British or foreign manufacture. Situated as Canada is, and having a view to the infant state of her manufactures, and the tariff policy of the United States, the undersigned believe the fiscal policy of Canada to be a justifiable one; but, while the terms

of union in the matter of steam communication remain unfulfilled, the people of the Island are precluded, to a considerable extent, from participating in the benefits which that policy is calculated to confer.

The Committee of Council, while admitting that the Island may have felt inconvenience from the interruption in the trips of the "Northern Light," yet consider that the material interests of the province have not greatly suffered, owing to the fact that its exports to foreign countries have nearly doubled from 1872 to 1884. The undersigned fail to comprehend why this argument should be admitted in justification of the failure of the Dominion Government to carry out the terms of union. That the Island has improved is notwithstanding the inaction of the Dominion Government, and its progress is due to its natural resources and the great industry of its people, and tends to show how much greater its prosperity would have been had it enjoyed the continuous communication which was guaranteed it, and which it had a right to expect. The Island's contributions to the Federal Treasury in excess of the expenditure, together with the money which has been uselessly expended upon the inefficient communication afforded, would very probably be adequate to defray the interest upon a sum necessary to construct a work which would effectually overcome its isolation. Here the undersigned desire to say that the Ministry of Prince Edward Island, so far from regarding the Canadian Pacific Railway as a local work for the benefit of British Columbia only (as alleged by the Committee of Council), have always warmly supported the present Administration of the Dominion in their policy of constructing that great national highway; and all that they now ask is that a work of vast importance, not only to the Island but to the whole of the Dominion, as solemnly guaranteed as was the railway to British Columbia, should be undertaken and brought to a successful completion.

Within the last few months a scheme has been proposed which, it is claimed, will successfully remove the disabilities from which the Island has so long suffered. Engineers of the highest standing in America, and whose reputations are well established in Great Britain, have given it as their opinion that it is practicable to lay a metallic subway across the Straits of Northumberland, through which railway communication could be effected, and that the cost of such an undertaking would not exceed a sum which it would not be unreasonable to ask the Government of Canada to expend. During the past summer, soundings were taken, and the bed of the Straits was found to be admirably adapted for the laying of the tube, the Admiralty charts corroborating the results of the examination which was made.

The Committee of Council speak of the "liberal treatment" of the Island by the Dominion Government, and that it has received especial consideration, on account of its isolated position, though possessing a population less than some cities on the mainland. To this statement the undersigned desire to except. They have clearly proved, as they believe, that Prince Edward Island contributes to the general revenue more than is returned in expenditure. To the unfortunate misapprehension that the Island is being treated with exceptional liberality, and that it does not return to the general revenue one-third of the amount expended, is probably due the invidious distinction made by the General Government in the remuneration of their officials on the Island. The same erroneous impression has possibly influenced the General Government in declining, up to the present time, to maintain many of the public piers in the province, although expressly bound to do so by the British North America Act.

The Committee of Council say "the 'Northern Light' was placed at Charlottetown as head-quarters; her officers and crew are inhabitants of the Island, and her unceasing and hazardous efforts to make communication in the severest weather cannot be unknown to the Island Government." The Committee of Council seem to entertain the idea that the officers and crew of the "Northern Light," being Island men, are consequently bold enthusiasts, and would be willing to incur great risk in the effort to maintain communication with the mainland. The undersigned desire to remark that, whatever zeal the officers of the "Northern Light" have displayed in the performance of their duties, their ardour must have been considerably dampened by the instructions which were issued some time ago by the Department of Marine, and which are as follows:—

"Capt. FINLAYSON, steamer 'Northern Light.'

"Ottawa, January 16, 1883.

"Telegram received urging Department order you run. Responsibility is with you. Expect you to run no undue risks."

"A. W. McLELAN."

Two days later, on receipt of a telegram from Capt. Finlayson asking instructions, the following was sent him:—

“Capt. FINLAYSON, steamer ‘Northern Light.’

“Ottawa, January 18, 1883.

“With knowledge of ice, you must be judge, and held responsible for safety of boat. Incur no undue risks.

“WM. SMITH.”

“SIR,

“Ottawa, January 12, 1884.

“REFERRING to my letter of 14th December 1882, I have again to instruct you to use your own judgment as to whether the ‘Northern Light’ should run, and you are to incur no risk whereby the safety of the vessel may be endangered by being caught in the ice. No risk also is to be incurred for the purpose of carrying over any particular passenger or passengers, and the Department expects that you will use your judgment in all matters affecting the running of the boat, and will hold you responsible for her safety.

“WILLIAM SMITH,

“Deputy Minister of Marine.”

“Capt. A. Finlayson,

“‘Northern Light.’

The undersigned submit that these instructions were quite sufficient to discourage and deter the officers of the “Northern Light” from making those strenuous effort to effect a crossing which otherwise they might have been disposed to do.

Under the British North America Act, and the terms agreed upon subsequently, with the various provinces, Canada undertook to effect the following great public works, with the object of connecting, by the bonds of commercial relationship, the political union which had been entered into, viz. :—The Canadian Pacific Railway, the Intercolonial Railway, the deepening and widening of the great canals, and communication by steam, winter and summer, with Prince Edward Island. The first three of these undertakings have been carried out with the cordial concurrence and support of the people of Prince Edward Island. The sum of about \$43,000,000, a much larger amount than was anticipated, has been spent on the Intercolonial Railway, and although that road has not yet paid more than working expenses, the General Government have granted large subsidies to a competing line of railway. The people of Prince Edward Island are very far from objecting to the faith of the country being maintained inviolate, and to liberal expenditure being made for necessary public works, and have cheerfully borne their share of the burdens, but they do complain that the communication guaranteed them by the terms of confederation is not provided, although the expenditure necessary to do so would be very small compared with the enormous outlay incurred on the other public works to which the undersigned have referred.

With regard to the claim for compensation by reason of the non-fulfilment of the terms of confederation, the undersigned submit that a review of the facts adduced will conclusively show that the Island has suffered great loss, and is therefore entitled to indemnity. Should further evidence on this point be needed, the undersigned will be pleased to supply the same, as well as to furnish any other information that may be required by your Lordship in order to a full consideration of the whole case.

We have, &c.,

The Right Hon. Earl Granville, K.G.,
Secretary of State for the Colonies.

(Signed) W. W. SULLIVAN.
D. FERGUSON.

No. 4.

COLONIAL OFFICE to the HIGH COMMISSIONER FOR CANADA.

SIR,

Downing Street, March 8, 1886.

You are probably aware that a delegation was recently appointed by the Government of Prince Edward Island to proceed to this country and lay before the Secretary of State for the Colonies the views of the Provincial Government with regard to certain questions in dispute between that Government and the Government of the Dominion respecting the establishment of steam communication between the Island and the mainland.

The members of the delegation, Mr. W. Sullivan, Premier and Attorney-General, and Mr. D. Ferguson, Provincial Secretary, have had an interview with Earl Granville, and have submitted to his Lordship the statement* of which a copy is enclosed. It is presumed that you are already in possession of the report of the Dominion Privy Council to which this statement is a reply.

It would give Lord Granville much gratification if he could be instrumental in promoting some satisfactory and amicable arrangement of this dispute, and he would be glad if you would assist at a discussion of the question with the delegates at this office.

His Lordship understands that you have no objection to such an interview, and he wishes me to state that he will be happy to see you on Friday next at 3 p.m. if that occasion will suit your convenience.

I am, &c.,
(Signed) EDWARD WINGFIELD.

The High Commissioner for Canada.

No. 5.

COLONIAL OFFICE to MESSRS. W. W. SULLIVAN AND D. FERGUSON.

GENTLEMEN,

Downing Street, March 9, 1886.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 1st instant* relative to the question of the establishment of steam communication between Prince Edward Island and the mainland.

I am to state that his Lordship would be glad if it should suit your convenience to meet him at this office on Friday next at 3 p.m. His Lordship has invited Sir Charles Tupper to attend for the purpose of informally discussing the matters referred to in your letter.

I am, &c.,
(Signed) ROBERT G. W. HERBERT.

W. W. Sullivan, Esq.
D. Ferguson, Esq.

No. 6.

The HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

9, Victoria Chambers, London, S.W.
March 11, 1886.

SIR,

I HAVE the honour to acknowledge the receipt of Mr. Wingfield's letter of the 8th instant† with reference to the delegation appointed by the Government of Prince Edward Island, which has recently arrived in this country to lay before the Secretary of State for the Colonies the views of the Provincial Government with regard to certain questions in dispute between that Government and the Government of the Dominion respecting the establishment of steam communication between that Island and the mainland.

In reply, I beg to acquaint Earl Granville that I shall be glad to comply with the request of his Lordship by assisting at a discussion of the question with the delegates, it being of course understood that I have no power to commit the Canadian Government to anything in the premises. I shall, therefore, do myself the pleasure of attending at the Colonial Office on Friday next at 3 p.m., as suggested.

I am, &c.,
(Signed) CHARLES TUPPER.

The Under Secretary of State,
Colonial Office.

* No. 3.

† No. 4.

No. 7.

The HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

9, Victoria Chambers, London, S.W.,

DEAR SIR ROBERT HERBERT,

March 12, 1886.

I BEG to send you, for the information of Lord Granville, a memorandum I have prepared on the subject of the steam communication between Prince Edward Island and the mainland, in reply to the letter from Messrs. Sullivan and Ferguson to his Lordship, dated March 1st, in which they comment upon the report of a Committee of the Privy Council of Canada, upon the joint Address of the Legislative Council and House of Assembly of Prince Edward Island, to Her Majesty the Queen.

No instructions have reached me from my Government upon the subject, and the views expressed in the memorandum are based upon my own knowledge of the facts of the case, but I venture to transmit it in the hope that Lord Granville may be able to peruse it before the meeting which takes place this afternoon.

I have, &c.,

(Signed) CHARLES TUPPER.

Enclosure in No. 7.

PRINCE EDWARD ISLAND.

MEMORANDUM by Sir CHARLES TUPPER on the observations submitted by the PRINCE EDWARD ISLAND DELEGATES to EARL GRANVILLE in their Paper of March 1, 1886.

The rejoinder, addressed to Earl Granville, of the Prince Edward Island Delegates, Messrs. Sullivan and Ferguson, to the report of the Committee of the Privy Council of Canada respecting the memorial to Her Majesty on the subject of the communication between the island and the mainland, commences by a general justification of the memorial in question.

They then quote from the report of the Committee of the Privy Council, Messrs. McLelan and Campbell, "that it is altogether improbable that any man who had seen the Straits of Northumberland, or had any knowledge of ice obstruction in mid-winter, could have supposed it possible to construct a steamer capable of crossing when the ice is at its heaviest in that season." They do not, however, comment upon this statement, or deny it, but content themselves by remarking that the offer of continuous steam communication, summer and winter, was entirely a voluntary act on the part of the Dominion, and they submit that it should be carried out. They do not contend that it is practicable to do so, but merely repeat the language of the memorial to Her Majesty that "no sufficient disposition has been shown by the Dominion Government to fulfil their obligations towards the island in this matter." Then they state the failure of the first vessel employed in 1874 and 1875, the "Albert." The unsuitability of the "Northern Light," put on the service in 1876, is also commented upon, and it is added that "she was not specially designed for the service." The report of Messrs. McLean and Campbell gives a clear answer to the allegations so far mentioned. In the first place they point out, very fairly, that prior to Confederation there was a regular service during the summer season, but that for five months or more, during the latter part of the autumn, the winter, and the early spring, there was no steam service at all, the mails, and presumably passengers, being carried by ice boats from Cape Traverse to Cape Tormentine, and thence by sleigh to Amherst, the land carriage being 52 miles, and the distance from Cape to Cape 9 miles. This appears to demonstrate very clearly that the Island Government had not found "continuous steam service" practicable during the winter season, otherwise the assumption is that they would have adopted it before Confederation. But they appear to imagine that all the difficulties which to them had been insurmountable, should have entirely vanished when the island joined the Dominion. In the circumstances, the phrase "continuous steam service" might fairly and properly have been accepted with the qualification "as far as practicable," and the obligations have been carried out by the

Dominion Government in this spirit. The impossibility of continuous steam communication in mid-winter has been fully demonstrated, as pointed out by Messrs. McLelan and Campbell, but the efforts of the Dominion have been so far successful as to reduce the period of interruption to an average of one-third of what it was previous to the Union. Messrs. Sullivan and Ferguson say that the "Northern Light" is not suitable for the service, and was not specially designed for the work. They apparently forget that in the joint address to the Governor-General from the Legislative Council and House of Assembly in 1881, this same vessel is spoken of as having been "constructed expressly for the work, and placed upon the route," although complaint was made of the irregular and unsatisfactory trips she made. Upon this point Messrs. McLelan and Campbell say:—"The Dominion Government, after a most careful and anxious inquiry, contracted with a Mr. Sewell, of Quebec, to complete a powerful steamer on a model specially designed for ice service. In December 1876 this steamer, named the 'Northern Light,' was completed and placed upon the route between Pictou and Charlottetown, and has been maintained each winter to date at an aggregate cost, including construction, of \$249,956.57."

No representation appears to have been made in the matter to the Dominion Government until 1881, although the "Northern Light" was put on in 1876. Messrs. Sullivan and Ferguson state the average period the vessel is unavailable during the winter as 70 days; in the Address to Her Majesty 64 days is given, and the Parliamentary Committee at Ottawa in 1883 gave 48 days as the average. The latter also said in their report that "the daily records kept by the captain of the 'Northern Light,' and the testimony given by the officers show that the heavy ice encountered was the cause that compelled him to discontinue crossing in mid-winter;" and further, that "the evidence of the officers examined is also to the effect that the steamer is not sufficient to overcome the difficulties of the winter navigation, and although they suggest slight improvements on her model, which would better fit her for the purposes for which she was intended, still are unanimously of opinion that no steamship can be built capable of keeping up continuous communication in mid-winter between the island and the mainland." They add, "We examined personally several gentlemen of large practical experience in crossing from the island in the winter season, all of whom confirm the above, and whose evidence is hereto appended." This Committee consisted of three representatives from Prince Edward Island, and two from the mainland, and surely their opinions are worthy of credence, and justify the contention of the Dominion Government that the utmost has been done to carry out the terms under which the island entered the Union. Messrs. McLelan and Campbell in their report also say, "If continuous steam communication has not been maintained, it is certainly not because the Dominion Government sought to avoid expense. The 'Northern Light' is as large and as powerful a steamer as experience in Arctic exploration has proved advisable, and she is kept on full expense, equipped and ready to run at all times during the entire winter, and, were it possible to do so, no additional expense would be incurred, except for fuel, whilst the cost of the ice-boat service would be saved, and the construction of railways, piers, and boat-houses to and at Capes Traverse and Tormentine, rendered unnecessary." The Government have, it may be added, spent, or are committed to spend, about \$951,698 in connexion with the communication between Prince Edward Island and the mainland. The remainder of the rejoinder addressed to Lord Granville refers to other matters, some of which do not directly refer to the questions at issue.

Messrs. Sullivan and Ferguson call attention to the speech of Sir Alexander Campbell in the Senate in 1884, respecting the provision of one of the lighthouse steamers to supplement the "Northern Light" during the winter, which certainly seems to have been promised. Considering the narrowness of the Strait, it appears doubtful if a second steamer would be of much advantage, but in any case there is no mention of the matter in the papers in the possession of the High Commissioner for Canada.

They admit, as Messrs. McLelan and Campbell contended, that a railway to Cape Traverse had been built and a pier constructed, although stating that the latter requires some alterations; also that the railway to Cape Tormentine is being made with the aid of a large subsidy from the Dominion Government. Complaint is made that although an appropriation has been made for a pier at Cape Tormentine, its construction has not yet been commenced. But the Dominion Government have said that it will be built, and no doubt the delay is owing to the time taken in laying the railway with which it will be connected.

Messrs. Sullivan and Ferguson combat the statement of Messrs. McLelan and Campbell, that the Island Government were fully conversant with the whole action and plans of the Dominion Government, and raise a question respecting the erection of boat-houses in which some delay occurred. The boat-houses were, however, finished last year, and the criticism mentioned, therefore, seems in this view to be rather captious, especially as nothing is said in the same paragraph about the railway and pier at Cape Traverse, and the railway to and the pier at Cape Tormentine which the Government have warmly taken up, and of which it must be presumed the Island Government were fully informed.

It is stated also by Messrs. Sullivan and Ferguson that "the Dominion Government have totally neglected, ever since confederation, to make any provision whatever for the transport of passengers when compelled to resort to the Capes' route." In explanation of this may be quoted an extract from a letter that has recently been received from Mr. McLelan, the late Minister of Marine and Fisheries of Canada. "The 'Northern Light' made regular trips this season until the 27th January, or some time last week. I took (as Minister of Marine and Fisheries) charge of the crossing at the Capes, and there is now a good organisation and equipment. The delegates crossed by that route, and I believe they said it was the first time that they had ever been brought over—that is, they had on all previous occasions to work their passage."

Messrs. McLelan and Campbell, in referring to the Parliamentary Committee of 1883, state "It is the unanimous opinion of members of the Committee, confirmed by the testimony of witnesses of large practical experience, that no steamships can be built capable of keeping up continuous communication in mid-winter." Messrs. Sullivan and Ferguson say: "The undersigned have examined the report of the said Parliamentary Committee, and have failed to discover therein that they came to this conclusion." This may be literally correct, but the actual wording of the report quoted below of the Committee, shows that Messrs. McLelan and Campbell had every foundation for making the statement. "The evidence of the officers examined is also to the effect that the steamer is not sufficient to overcome the difficulties of the winter navigation, and although they suggest slight improvements on her model, which would better fit her for the purposes for which she was intended, still are unanimously of opinion that no steamship can be built capable of keeping up continuous communication in mid-winter between the island and the mainland." "We examined personally several gentlemen of large practical experience in crossing from the island in the winter season, all of whom confirm the above, and whose evidence is hereto appended."

Messrs. Sullivan and Ferguson in their rejoinder deprecate the action of Messrs. McLelan and Campbell in comparing the amounts contributed to the revenue by British Columbia and Prince Edward Island respectively. But they should remember that the controversy was started in the memorial to Her Majesty by drawing attention to the treatment the former province was said to have received by the rapid construction of the Canadian Pacific Railway, although its population of white people was comparatively small. It would have been far better had the special question at issue been dealt with upon its merits; but for the departure from this sound principle the Dominion Government cannot be blamed.

Messrs. Sullivan and Ferguson dispute altogether the accuracy of the proportion of the revenue of the Dominion contributed by the island as specified by Messrs. McLelan and Campbell, but before going into details they remark that in any such calculations interest should be allowed on \$1,250,000, the proportion of the Halifax Fishery award claimed by the island, which they say would annually amount to 50,000 dols. It must be remembered, in the first place, that the position in this matter of Prince Edward Island is precisely the same as that of Nova Scotia and New Brunswick, and different to that of Newfoundland, which has not joined the Confederation, and is, therefore, a separate Colony. Prince Edward Island has been treated similarly to the other maritime provinces in every respect, and has shared in the general benefit derived from the measures taken by the Government in connexion with the fisheries, and has participated in the payments of bounties to fishermen. Messrs. Sullivan and Ferguson do not appear to be aware also that prior to Prince Edward Island joining the Confederation the island made arrangements with the United States in regard to the inshore fisheries differing from those made by Canada. In fact they allowed the United States fishermen to share the inshore fisheries on the unratified understanding that the exports of fish to the United States should not be charged duty, or in any case that any duty charged should be refunded. When the American Government

refused to ratify these arrangements, the Dominion Government refunded the duties to Prince Edward Island, and this should be taken into consideration in connexion with the matter.

The long discussion entered into by Messrs. Sullivan and Ferguson with the object of showing that the revenue contributed by the island to the Dominion, as stated in the Trade and Navigation Returns, is incorrect, and gives an inaccurate idea of the actual position of the island in this respect, opens up an interminable source of argument. Messrs. McLelan and Campbell quote this revenue as \$193,474, as against \$942,095 in British Columbia, and \$891,683 in Manitoba and the North-West. Messrs. Sullivan and Ferguson base their objections to the figures on the ground that the island's imports, upon which the revenue is collected, come from countries outside Canada, and that since Confederation a very large portion of the articles consumed come from the maritime provinces and Quebec and Ontario, having already paid duty in those provinces, which should in any revenue calculations be credited to the island. They proceed to make hypothetical estimates of the actual imports and of the actual revenue on various bases, assuming the importations had been made direct, and chargeable at an average duty of 18.64 per cent. By these methods they bring up the revenue contributed by the island to \$764,559 as the average of three calculations. Then, the larger figures of British Columbia and Manitoba and the North-West territories are accounted for by stating that at that time (1884) British Columbia possessed no direct means of communication with the settled portions of the Dominion at any season of the year, and accordingly was compelled to purchase almost all its supplies directly from other countries. These imports all paid duties at the ports of entry in British Columbia, and the amounts collected are credited to that province. The same reasons, they allege, also apply to Manitoba and the North-West territories. This does not seem to bear upon the question of "continuous steam service." It cannot, however, be too often stated that the communication between the island and the mainland has been more regular in winter since 1873 than before Confederation, and that the period of interruption is now not more than one-third of what it was, and that a regular daily steam service is an impossibility, as evidenced by the report of the Parliamentary Committee which in 1883 inquired into the matter. But apart from this, the reasons advanced by Prince Edward Island to account for its small revenue apply to every province, more or less, as there is a large general inter-provincial trade, and as the island admittedly participates in such trade it must be presumed that the inhabitants of the province find it to their advantage to do so rather than to get their imports from other sources.

The amount spent annually in Prince Edward Island (in 1884 it was \$689,954, although this is disputed also,) demonstrates the way in which the island has been treated by the Dominion Government, and upon this point Messrs. McLelan and Campbell say, "The liberal treatment of Prince Edward Island results from the policy and practice of the Dominion Government to watch over the interests of the smaller provinces, and Prince Edward Island from her isolated position, and with a population less than some cities on the mainland, has received especial consideration." Messrs. Sullivan and Ferguson admit that the exports from the island to countries beyond the Dominion in 1884 were 81½ per cent. more than they were in 1872, and that the amount per head deposited in the savings banks averages \$16.59, as against \$7.66 for the rest of the Dominion. This does not indicate that much injury has resulted to the island from the want of continuous steam service, and clearly proves the benefit derived from the connexion of the island with the Confederation, and the improved service since 1873. The total customs revenue of the island in 1872 was about \$302,000, and admitting, for the sake of argument, that it amounts to \$764,559 now, this increase of 120 per cent. does not support their case that injury has resulted to the island from the terms of the Union not having been fulfilled, and that it has obtained no advantage from joining the Dominion, and from the encouragement that has been given to inter-provincial trade and manufacturing industry.

Messrs. Sullivan and Ferguson also object to the figures given by Messrs. McLelan and Campbell as representing the expenditure upon the island in 1884. The amount specified is \$689,954, but they contend that \$79,308 should be deducted. The total they admit, however, is \$610,646, and the difference relates to controversial matters.

Messrs. Sullivan and Ferguson say, "The statement of the Committee of Council that, previous to the Union, paddle-wheel steamers were employed might lead to the supposition that since then the Dominion Government have obtained the substitution of screw steamers, but the undersigned desire to say that the identical boats which plied on the route for nearly 10 years previous to the Union are still

“ the only ones employed in the service.” What Messrs. McLelan and Campbell did say was, “ Previous to the Union paddle-wheel steamers only were employed, and it was very generally believed, and for good reasons, that a screw steamer would maintain steam communication to a much later period; but it is altogether improbable that any man who had seen the Straits of Northumberland, or had any knowledge of the ice obstruction in mid-winter, could have supposed it possible to construct a steamer capable of crossing when the ice is at its heaviest in that season, and it is proper to assume that both contracting parties to the Union having such knowledge understood that the Dominion Government would provide and maintain the means which science and experience might determine as the best and most efficient for the end in view, within the range of possibility.” This full extract places a different light upon the matter, and it has been amply demonstrated above that the Dominion Government has done its best to provide continuous steam service “ within the range of possibility,” and that its efforts have been beneficial to the island.

Objection is also taken to the remark of the Committee of Council, “ that the change from sailing vessels to steamers for summer appears to have been the only improvement effected by the Island Government in their means of communication in 50 years, although having control of a larger sum in revenue than the island now pays into the Dominion.” The first part is not denied by Messrs. Sullivan and Ferguson, but the revenue question is again disputed. They go on to say that the prospect of continuous steam service was one of the principal inducements that led the island to enter the Dominion. Messrs. McLelan and Campbell’s report gives the impression that they desired to convey the idea that, although the Island Government had not done much before Confederation to provide continuous steam service in winter, the Dominion Government had since that time much improved the communication; and this cannot be denied.

The next point of difference is the number of passengers using the route. Messrs. McLelan and Campbell say that during the past two winter seasons the average number of passengers in each crossing of the “ Northern Light ” was only nine (the average of the present season so far is said to have been only six); also that the loss on the Island Railway since its opening has been \$843,911, besides an expenditure thereon on capital account of about \$500,000. Messrs. Sullivan and Ferguson in reply give instances of 100 passengers crossing at one time. This only proves how small the number must have been on other occasions, if the average of each crossing is only nine. Then they say that the number of passengers would be greater if the service were more regular, *and the seaworthiness of the ship more assured.* This latter is a grave charge against the Dominion Government, and cannot be allowed to pass without protest, especially as the statement is but a general one and unsubstantiated.

Exception is also made to the remark of the Committee of Council, “ that the Dominion Government did not undertake the carrying of agricultural produce or freight of any kind, although they have at all times afforded facility for the transport of any offering.” Messrs. Sullivan and Ferguson say, “ The facility afforded may be judged of when it is explained that the freight capacity of the ‘ Northern Light ’ is not more than 200 barrels.” It must be remembered that the phrase “ continuous steam service ” applied to passengers and mails only, and *any* provision for freight is therefore a gain to the province.

Messrs. McLelan and Campbell say, “ It will be claimed on behalf of the island that the population consumes goods the produce of the mainland. No doubt this is true, but the same occurred previous to the confederation.” The figures for 1872 are given as \$1,067,480. The Prince Edward Island delegates state that of this \$371,163 came from countries other than Canada, although through Dominion ports, reducing the imports from Canada to \$638,127. The accuracy of these figures (there is no means of checking them in the office of the High Commissioner), does not affect the general question.

The Dominion Government gave the total value of the goods entered for consumption in the island in 1872 as \$1,605,241. This Messrs. Sullivan and Ferguson object to, and state that the figures should be \$2,439,078. There are no means of checking this in the office of the High Commissioner.

Messrs. McLean and Campbell say that “ No doubt the same inter-provincial trade continues with this change in favour of Prince Edward Island—that the goods from the other provinces are now free of duty, whilst previous to the Union they paid duties the same as on importations from other countries.” Messrs. Sullivan and Ferguson do not object to this, and express their concurrence in the present fiscal

policy of Canada; but they say that the existing tariff is more favourable to other provinces than to the island, as the latter has no manufactures, and that the Quebec and Ontario manufactures "protected by a high customs duty" are able to obtain in many lines of goods prices nearly, if not altogether, equal to the cost and duty of the same goods of British or foreign manufacture. This sounds rather paradoxical, but it is evident from the increased prosperity of the island, from its increased exports, and from its increased savings bank deposits, that no injury has resulted to the province from the present fiscal policy of the Dominion; but, on the other hand, much benefit. Besides what applies to the consumer of home manufactured lines of goods in Prince Edward Island, affects equally the people of the other provinces; and instead of enhancing the price of goods, it is notorious that since the adoption of the present fiscal policy, of which Messrs. Sullivan and Ferguson approve, the prices of many articles of consumption have declined in every part of Canada.

Messrs. Sullivan and Ferguson admit in a subsequent paragraph that the island has prospered, as they put it, "notwithstanding the inaction of the Dominion Government." This statement, in view of what has already been stated, may be left to take care of itself; but the object of their representation appears to be to secure the laying of a metallic subway across the Straits of Northumberland, through which railway communication could be effected, "the cost of which undertaking," Messrs. Sullivan and Ferguson say, "would not exceed a sum which it would not be unreasonable to ask the Government of Canada to expend." If it can be shown that such a work is practicable, that it can be constructed for a reasonable outlay, and maintained without a large expenditure, the matter seems to be one that may fairly be placed before the Canadian Government for consideration.

Messrs. Sullivan and Ferguson again return to the charge of the revenue contributed to the Dominion. They take exception to the statement that the island has received liberal treatment from the Dominion, and repeat that it pays more to the Dominion annually than it receives, which is certainly open to argument, although it does not bear upon the question of the feasibility of "continuous steam service."

Messrs. McLellan and Campbell say "the 'Northern Light' was placed at Charlotte-town as headquarters, her officers and crew are inhabitants of the island, and her unceasing and hazardous efforts to make communication in the severest weather cannot be unknown to the Island Government." The delegates remark upon this, "The Committee of Council seem to entertain the idea that the officers and crew of the 'Northern Light,' being island men, are consequently bold enthusiasts, and would be willing to incur great risk in the effort to maintain communication with the mainland." They then go on apparently to complain that the running of the ship was left to the discretion of the officer in charge, and that he was ordered not to incur any undue risks. That unceasing and hazardous efforts have been made is proved by the memorial from Prince Edward Island to Her Majesty, which states that "at times she ('Northern Light') has been ice-bound for periods varying from 10 to 24 days, to the imminent danger of passengers and mails. Upon one occasion, four years ago, some of the passengers, among them women and children, were forced, after remaining on board several days, to leave her and walk a distance of many miles to the shore, when, night overtaking them, they received injuries from cold and exposure which resulted ultimately in the death of one of the party." This shows that the officers and crew have made hazardous efforts to keep up communication, and the necessity of discretion, and the avoidance of undue risks. It also proves the impossibility of continuous steam service which the island insists on. It must be remarked that it was the officers of the "Northern Light" who gave evidence to the effect "that no steamship can be built capable of keeping up continuous communication in mid-winter between the island and the mainland."

Messrs. Sullivan and Ferguson conclude their rejoinder by saying, "With regard to the claim for compensation by reason of the non-fulfilment of the terms of confederation, the undersigned submit that a review of the facts adduced will conclusively show that the island has suffered great loss, and is therefore entitled to indemnity." In the first place, it is incorrect to say that the terms of confederation have not been complied with. Only one of the "terms" has been brought forward as not having been carried out, and proof has been adduced that continuous steam service has been provided, so far as was practicable. Daily steam communication is not feasible, it being impossible, in the opinion of competent witnesses, to construct a steamship to fulfil such conditions. The period of interruption prior to confederation has been reduced by two-thirds, and instead of suffering any injury the island has, since 1873, made rapid advances in wealth and prosperity, which may fairly be

attributable to the more advantageous position the island occupies as a member of the Union, to the efforts of the Dominion Government to aid in the development of its resources, and to the vastly improved communication with the mainland that has been provided.

The foregoing remarks upon Messrs. Sullivan and Ferguson's letter are not so complete as they might be made, owing to the short time that the undersigned has been in possession of the views of those gentlemen.

CHARLES TUPPER.

9, Victoria Chambers, London, S.W.,
March 12, 1886.

No. 8.

MESSRS. W. W. SULLIVAN AND D. FERGUSON to COLONIAL OFFICE.

MY LORD,

London, March 22, 1886.

THE undersigned have perused the memorandum* submitted by Sir Charles Tupper, High Commissioner for Canada, in reply to the letter which they had the honour of addressing to your Lordship on the 1st March instant; and they desire to offer a few observations thereon.

They entirely agree with the High Commissioner that it would have been far better had the special question at issue been dealt with upon its merits; but they are unable to concur with him in saying that for "the departure from this sound principle the Dominion Government cannot be blamed." The High Commissioner endeavours to justify the Dominion Government by stating that the irrelevant controversy was started in the memorial to Her Majesty, by drawing attention to the treatment received by British Columbia in the rapid construction of the Canadian Pacific Railway, although the population of white people in that province was comparatively small. That reference was answered by the Committee of the Privy Council of Canada in the following words: "In a strictly local view it is not unjust to say that expenditure shall in some measure be governed by receipts, present or prospective," and this statement was followed by an elaborate calculation purporting to show the contributions of British Columbia and Prince Edward Island respectively to the General Treasury.

The undersigned, although well aware of the irrelevancy of the matter, and of the impropriety of the principle laid down by Messrs. McLelan and Campbell that communication with Prince Edward Island should be considered as a local work, and that expenditure thereon should to any extent be governed by receipts, present or prospective, felt it to be their duty to demonstrate that the Dominion Government are labouring under a grave, and for Prince Edward Island, a most unfortunate, misapprehension, in regard to the revenue received from the province, and having done so, it is not necessary to make further allusion to that branch of the subject.

With respect to the Halifax Fishery Award, the High Commissioner seems to be under the impression that the undersigned are not aware that prior to the Island's joining the Confederation it had made arrangements with the United States in regard to the inshore fisheries, differing from those made by Canada. The undersigned are not without knowledge of the agreement then made, but their recollection of it differs somewhat from that of the High Commissioner. The understanding then arrived at was come to by Prince Edward Island in compliance with the urgent request of Her Majesty's Imperial Government, in anticipation of the Treaty of Washington's taking effect, and especially in order to avoid complications between Great Britain and the United States. That the arrangement did not cover the period referred to was owing to the fact that the Dominion of Canada failed to take such action as was necessary to give it effect. The refund, about 5,000*l.*, to which in this connexion the High Commissioner refers, was paid, not to Prince Edward Island, as is stated, but to individual Canadian merchants and fishermen. The grievance of Prince Edward Island regarding the distribution of the amount of the Halifax Fishery Award has not, however, any connexion with the question of inter-provincial communication, and the reference to it by the undersigned was only made as appertaining to the discussion of comparative contributions, raised by the Dominion Government. The undersigned shall, therefore,

* Enclosure in No. 7.

make no further allusion to it now, except to say that they do not agree with the High Commissioner that the position of the Island in the matter is precisely the same as that of Nova Scotia and New Brunswick.

Under the terms of Confederation, the Dominion Government undertook to provide "efficient steam service for the conveyance of mails and passengers, to be established and maintained between the Island and the mainland of the Dominion, winter and summer, thus placing the Island in continuous communication with the Inter-colonial Railway and the railway system of the Dominion." The question is, have the Dominion Government performed this obligation? They are forced to admit that they have failed. But the High Commissioner answers that "a regular daily steam service is an impossibility," and that "proof has been adduced that continuous steam service has been provided as far as was practicable." The report of the Parliamentary Committee of 1883 is referred to as justifying these statements; but the undersigned feel impelled to remark that a perusal of that report has led them to a very different conclusion. It is said that the Island Government, prior to Confederation, had accomplished no more than the Dominion Government have done since that time, but it is apparently forgotten that one of the chief inducements to enter the union was to secure continuous steam service. The High Commissioner states that no representation was made in this matter to the Dominion Government till 1881, although the steamer named the "Northern Light" was put on in 1876. That the people of Prince Edward Island endured this grievance without formal remonstrance from their Government, not only from 1876 to 1881, but from 1873 to 1881, is a proof that they have acted most reasonably in giving the Dominion Government ample time to carry out their undertaking, and should not now be used as an argument against their claim. The High Commissioner takes exception to the statement that the "Northern Light" was not specially "designed" for the service, and refers to the address to the Governor-General adopted by the Legislature of Prince Edward Island in 1881, wherein that vessel is alluded to as having been "constructed expressly for the work." Both these expressions are correct. The "Northern Light" was "designed" for a totally different service—namely, for navigating fixed and comparatively thin ice in the River St. Lawrence—and, after having been so "designed," she was purchased by the Dominion Government and "constructed" for the service she has been attempting to perform. This is confirmed by Messrs. McLelan and Campbell, for they say, "The Dominion Government, after a most careful and anxious inquiry, contracted with a Mr. Sewell, of Quebec, to complete a powerful steamer on a model specially designed for ice service." They do not say, nor does the High Commissioner, that she was specially designed for the work to which she has been devoted, but it is stated that she was *completed* for that service.

The High Commissioner seems to labour under the impression that he has discovered a discrepancy in the statements in regard to the average period the "Northern Light" is unavailable during the winter, as in the communication of the undersigned it is given as 70 days, in the Address to Her Majesty in 1885, 64 days, and in the report of the Parliamentary Committee in 1883, 48 days. These statements, we have every reason to believe, are all correct, for the periods to which they apply. The average time, when the Parliamentary Committee reported in 1883, was 48 days, which increased in 1885 to 64 days, and in 1886 to 70 days. It is here worthy of remark that the steam service instead of improving is, year after year, becoming less efficient and continuous. Last winter the vessel was laid up 90 days.

With reference to the failure of the Dominion Government to make any provision for the conveyance of passengers, the High Commissioner explains by quoting from a letter of the late Minister of Marine, Mr. McLelan, that the "Northern Light" made regular trips this season until 27th January. Mr. McLelan states: "the delegates crossed by that route, and I believe they said it was the first time that they had ever been brought over—that is, they had, on all previous occasions, to work their passage." In the opinion of the undersigned this is the strongest confirmatory proof of the allegation that "no sufficient disposition has been shown by the Dominion Government to fulfil their obligations towards the Island in this matter." Your Lordship will probably learn with surprise that for thirteen years the Government of Canada, notwithstanding their obligation to provide efficient steam communication for mails and passengers winter and summer, have allowed such a state of things to exist, and that a merit is now being made out of the circumstance that once, and that less than two months ago, in those 13 years, even the official representatives of the Island Government were relieved of the labour of "working their passage." This favour will be still better appreciated when it is known that the delegates were only conveyed

after a persistent remonstrance on their part against working their passage. All the other travellers, numbering about a dozen, were obliged to assist in drawing the boats.

It is said to be the contention of the Dominion Government that the utmost has been done to carry out the terms under which the Island entered the Union, that the efforts made by the "Northern Light" prove the impossibility of providing continuous steam service, and the report of the Parliamentary Committee is appealed to in verification of this contention. In that report it is recommended that the Government adopt Capes Traverse and Tormentine as the points of communication for mails and passengers, and the Committee also made several other recommendations which have not been acted upon by the Dominion Government, although three years have elapsed since that time. Beyond the abortive efforts of the "Northern Light" no attempt has been made to provide steam service. At the narrowest place—between Capes Traverse and Tormentine—steam, in any way, has never been applied, and no means of crossing have been used, except the ice-boat system, adopted about 60 years ago and continued, almost without improvement, to the present time. The Dominion Government, not having tried steam at the Capes, as recommended by the Parliamentary Committee, are in no better position now to say that steam communication is impracticable than they were at the time of Confederation.

The undersigned therefore submit that the Dominion Government have failed to carry out the terms of Confederation, and they are unable to agree with the High Commissioner that it is not a failure because the default is at present applied to only a part of those terms. When it is shown that the Dominion Government have failed in performing any portion of the conditions, it cannot surely be inconsistent with the fact to assert that there is a failure in carrying out the terms.

If what the Dominion Government have agreed to perform is impracticable by steam navigation, then it is clearly their duty to provide communication by other means, and should they ultimately fail and thus demonstrate the impossibility of their undertaking, then Prince Edward Island is unquestionably, on every principle of justice, entitled to an indemnity, covering the failure of the past and applying to the future, as the province has performed its part of the compact, and Canada receives, at least, its full consideration.

The contention of the High Commissioner that the progress of Prince Edward Island, referred to by the undersigned in their letter of 1st inst., "does not indicate that much injury has resulted to the Island from the want of continuous steam service, and clearly proves the benefit derived from the connexion of the island with the Confederation, and the improved service since 1873," is, the undersigned submit, wholly unwarranted. It is notorious that the progress of Prince Edward Island was equally great during the 13 years previous to Confederation, when, the High Commissioner contends, the means of communication were less efficient than they have been since. The undersigned are not now called upon to express any opinion on the advantage or disadvantage of Confederation to Prince Edward Island, as that point is beside the question at issue.

The undersigned regret that they have been obliged to extend these observations further than they could desire, and they feel that after the lengthened interviews with which your Lordship has favoured them, it is unnecessary to add to the information now in the Colonial Office, although the subject is by no means exhausted.

Prince Edward Island appeals to the Imperial Government, at whose request it entered the Union, to interpose their influence with the Government of Canada, in order that justice may be done in the premises, and that the harmony which is so desirable between the different members of the Confederation shall prevail.

In conclusion, the undersigned desire to express their sense of the deep obligation they are under to your Lordship for the courtesy that has been shown them, and for the readiness and attention with which all their communications have been received.

We have, &c.,
(Signed) W. W. SULLIVAN.
D. FERGUSON.

The Right Honourable Earl Granville, K.G.,
Secretary of State for the Colonies.

No. 9.

The RIGHT HON. THE EARL GRANVILLE, K.G., to GOVERNOR-GENERAL THE MOST
HON. THE MARQUIS OF LANSDOWNE, G.C.M.G.

MY LORD,

Downing Street, March 30, 1886.

I DULY received your Lordship's Despatch of the 19th of November last,* enclosing an approved report of a Committee of the Privy Council for Canada, forwarding, with other papers, a joint address to the Queen from the Legislative Council and House of Assembly of Prince Edward Island. This address prays that Her Majesty will require that justice be done by the Government of Canada to Her Majesty's loyal subjects of that province by the immediate "establishment and maintenance of efficient steam service for the conveyance of mails and passengers between this Island and the mainland of the Dominion, both winter and summer, so as to place the Island in continuous communication with the Inter-Colonial Railway and the railway system of the Dominion;" and further, that Her Majesty would be pleased to require that the Government of Canada should compensate the Island for the loss which it is alleged has resulted to its inhabitants by reason of the non-fulfilment of the terms of confederation, in the particulars complained of, in the Address.

I also received your Despatch of 30th January,† with a further report of a Committee of the Privy Council on the subject of the delegation appointed to support the prayer of the address.

Since the receipt of these papers I have had the pleasure of receiving Mr. Sullivan, the Premier and Attorney-General, and Mr. Ferguson, the Provincial Secretary, of Prince Edward Island, who had been appointed as delegates to Her Majesty's Government, and on the 24th of last month they attended here by appointment, and favoured me with a general statement of the circumstances under which the Legislature of Prince Edward Island had addressed the Queen. I explained to them that the Queen had no power, either by statute or otherwise under the Constitution of Canada, to give any direction in this matter, and that therefore I should not be able to advise Her Majesty (who had been pleased to receive the Address very graciously) to take any action upon it, but that it would give me much satisfaction if, by the exercise of any friendly offices which I could tender, I should be able to contribute to the settlement of a question in which the Provincial Government were so much interested. I added that I had confidence in the friendly spirit in which the matter at issue would be dealt with on both sides, and this led me to hope that some acceptable arrangement might be come to.

I then gave the delegates a copy of the Report of the Privy Council of Canada, dated the 7th of November last, which they had not previously received, and I informed them that after receiving and considering the observations which they might desire to make upon that Report I should be happy to see them again, and, if it should be agreeable to both parties, to invite Sir Charles Tupper to be present on behalf of the Dominion Government at the interview.

On the 4th instant I received from the delegates the statement‡ of which a copy is enclosed, and I communicated a copy of it to Sir C. Tupper, who favoured me with his comments thereupon in a memorandum§ of which a copy is also enclosed.

After perusing these papers, I invited the delegates and Sir Charles Tupper to meet me at this office on the 12th instant. The delegates urged at length the claims and contentions of the province, and laid before me the plans of a submarine line of communication which they understood to be feasible. Sir C. Tupper then justified and explained the action of the Dominion Government, adding personally, and not speaking under instructions, that if it could be shown that the scheme of a "metallic subway" is really feasible at a moderate cost, the Dominion Government would no doubt be ready to give their serious consideration to such scheme.

As I stated in the earlier part of this Despatch, although Her Majesty's Government is unable to take the question out of the hands of the Dominion Government, and although I have not seen more than a *prima facie* opinion as to the feasibility at a moderate cost of the proposal for its solution, I hope that it will be found to admit of a satisfactory settlement. On the one hand, the expectations of the Province in regard to the establishment of a constant and efficient communication with the main-

* No. 1.

† No. 2.

‡ No. 1.

§ Enclosure in No. 7.

land have not been fulfilled ; but, on the other hand, the Dominion Government has shown that it has made considerable efforts to improve the communication in the face of serious physical difficulties, especially during the winter season.

There seems to be reason for doubting whether any really satisfactory communication by steamship can be regularly maintained all the year round, which makes it all the more important that the proposed "metallic subway" should receive a full, and if feasible, a favourable consideration on the part of the Government of the Dominion. The establishment of constant and speedy communication by rail would be a great advantage both to the province and to the Dominion, and I should suppose that the development of the traffic on the Island railroads, and of the capabilities of the province generally would produce a large direct and indirect return on the expenditure.

It would reflect great credit on the Dominion Government if, after connecting British Columbia with the Eastern Provinces by the Canadian Pacific Railway, it should now be able to complete its system of railway communication by an extension to Prince Edward Island.

The Marquis of Lansdowne.

I have, &c.,
(Signed) GRANVILLE.

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NEWFOUNDLAND.

CORRESPONDENCE

RELATING TO AN

ARRANGEMENT

BETWEEN

GREAT BRITAIN AND FRANCE,

RESPECTING THE

NEWFOUNDLAND FISHERY QUESTION.

A Map will be found at page 32.

Presented to both Houses of Parliament by Command of Her Majesty.
January 1886.



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1886.

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No. 1.

The RIGHT HONOURABLE the EARL OF DERBY to GOVERNOR
SIR J. H. GLOVER, G.C.M.G.

SIR,

Downing Street, June 12, 1884.

IN my Despatch, of the 18th December last,* I informed the Officer Administering the Government of Newfoundland of the appointment of Mr. Clare Ford, C.B., C.M.G., and Mr. E. B. Pennell as British Commissioners on the Commission to meet in Paris in connexion with the Newfoundland fisheries question.

These gentlemen, representing Her Majesty's Government, and M. Jagerschmidt and Captain Bigrel, acting on behalf of the Government of the French Republic, met in Paris on the 23rd January last, and the labours of the Commission were concluded at a meeting held on the 26th April, when an Arrangement was signed by the Commissioners.

I have now the honour to transmit to you a copy of that Arrangement, together with two inclosures accompanying it, which consist of a statement and map referred to in Article 2.

You will observe that the Arrangement has been entered into subject to the approval of the Governments of Great Britain and France; and Her Majesty's Government will not intimate their approval until the Colonial Government and Legislature have had an opportunity of studying its provisions, and of considering the great advantages which it affords for a settlement of the long outstanding and difficult question of the fisheries.

Before proceeding to explain the details of the present arrangement, it may be convenient to recapitulate the provisions of the treaties bearing upon the question.

They are as follows :—

By Article XIII. of the Treaty of Utrecht, 1713, it was agreed that “ The island called Newfoundland, with the adjacent islands, shall, from this time forward, belong of right wholly to Britain, and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up within seven months from the exchange of the ratifications of this treaty, or sooner if possible, by the Most Christian King to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the Most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river St. Lawrence and in the gulf of the same name, shall hereafter belong of right to the French, and the Most Christian King shall have all manner of liberty to fortify any place or places there.” And by Article V. of the Treaty of Paris, 1763, that “ The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the

* Not printed.

“ island of Newfoundland, such as it is specified in Article XIII. of the Treaty of
 “ Utrecht, which article is renewed and confirmed by the present treaty (except what
 “ relates to the island of Cape Breton, as well as to the other islands and coasts in the
 “ mouth and in the Gulf of St. Lawrence); and his Britannic Majesty consents to leave
 “ to the subjects of the Most Christian King the liberty of fishing in the Gulf of St. Law-
 “ rence on condition that the subjects of France do not exercise the said fishery but at
 “ the distance of three leagues from all the coasts belonging to Great Britain, as well
 “ those of the continent as those of the islands situated in the said Gulf of St. Law-
 “ rence. And as to what relates to the fishery on the coast of the island of Cape
 “ Breton, out of the said gulf, the subjects of the Most Christian King shall not be
 “ permitted to exercise the said fishery but at the distance of fifteen leagues from the coast
 “ of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia,
 “ and everywhere else out of the said gulf, shall remain on the foot of former treaties.”
 And by Article VI. of the same treaty, “ The King of Great Britain cedes the islands
 “ of St. Pierre and Miquelon in full right to His Most Christian Majesty, to serve as a
 “ shelter to the French fishermen; and His said Most Christian Majesty engages not to
 “ fortify the said islands; to erect no buildings upon them but merely for the conveni-
 “ ence of the fishery; and to keep upon them a guard of fifty men only for the police.”
 And by Article IV. of the Treaty of Versailles, 1783, that “ His Majesty the King of
 “ Great Britain is maintained in his right to the island of Newfoundland and to the
 “ adjacent islands, as the whole were assured to him by the 13th Article of the Treaty
 “ of Utrecht, excepting the islands of St. Pierre and Miquelon, which are ceded in full
 “ right by the present treaty to His Most Christian Majesty.” And by Article V. of
 “ the said last-named treaty that “ His Majesty the Most Christian King, in order to
 “ prevent the quarrels which have hitherto arisen between the two nations of England
 “ and France, consents to renounce the right of fishing, which belongs to him in virtue
 “ of the aforesaid article of the treaty of Utrecht, from Cape Bonavista to Cape
 “ St. John, situated on the eastern coast of Newfoundland, in 50° north latitude; and
 “ His Majesty the King of Great Britain consents, on his part, that the fishery assigned
 “ to the subjects of His Most Christian Majesty, beginning at the said Cape John,
 “ passing to the north and descending by the western coast of the island of Newfound-
 “ land, shall extend to the place called Cape Ray, situated in 47° 50' latitude. The
 “ French fishermen shall enjoy the fishery which is assigned to them by the present
 “ article as they had the right to enjoy that which was assigned to them by the Treaty
 “ of Utrecht.” And by Article VI. of the said last-named treaty that, “ With regard to
 “ the fishery in the Gulf of St. Lawrence, the French shall continue to exercise it con-
 “ formably to the Vth Article of the Treaty of Paris.” And by a declaration of His
 Britannic Majesty, dated the 3rd day of September, 1783, it was declared that “ The
 “ King, having entirely agreed with His Most Christian Majesty upon the articles of the
 “ definitive treaty, will seek every means which shall not only insure the execution
 “ thereof, with his accustomed good faith and punctuality, but will besides give, on his
 “ part, all possible efficacy to the principles which shall prevent even the least foundation
 “ of dispute for the future.

“ To this end, and in order that the fishermen of the two nations may not give cause
 “ for daily quarrels, His Britannic Majesty will take the most positive measures for
 “ preventing his subjects from interrupting in any manner, by their competition, the
 “ fishery of the French during the temporary exercise of it which is granted to them
 “ upon the coasts of the island of Newfoundland; and he will, for this purpose, cause
 “ the fixed settlements which shall be formed there to be removed. His Britannic
 “ Majesty will give orders that the French fishermen be not incommoded in cutting the
 “ wood necessary for the repair of their scaffolds, huts, and fishing vessels.

“ The XIIth Article of the Treaty of Utrecht, and the method of carrying on the
 “ fishery, which has at all times been acknowledged, shall be the plan upon which the
 “ fishery shall be carried on there; it shall not be deviated from by either party; the
 “ French fishermen building only their scaffolds, confining themselves to the repair of
 “ their fishing vessels, and not wintering there; the subjects of His Britannic Majesty,
 “ on their part, not molesting in any manner the French fishermen during their fishing
 “ nor injuring their scaffolds during their absence.

“ The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to
 “ France, regards them as ceded for the purpose of serving as a real shelter to the
 “ French fishermen, and in full confidence that these possessions will not become an

“ object of jealousy between the two nations, and that the fishery between the said islands, and that of Newfoundland shall be limited to the middle of the channel.”

And by a counter declaration of His most Gracious Majesty the King of France, dated the 3rd day of September, 1783, it was declared that “The principles which have guided the King in the whole course of the negotiations which preceded the re-establishment of peace must have convinced the King of Great Britain that His Majesty has had no other design than to render it solid and lasting, by preventing as much as possible, in the four quarters of the world, every subject of discussion and quarrel.

“ The King of Great Britain undoubtedly places too much confidence in the uprightness of His Majesty’s intentions not to rely upon his constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

“ As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangements settled by the two Sovereigns upon this matter, it is sufficiently ascertained by the Vth Article of the Treaty of Peace signed this day, and by the Declaration likewise delivered to day by His Britannic Majesty’s Ambassador Extraordinary and Plenipotentiary ; and His Majesty declares that he is fully satisfied on this head.

“ In regard to the fishery between the Island of Newfoundland and those of St. Pierre and Miquelon, it is not to be carried on by either party but to the middle of the channel ; and His Majesty will give the most positive orders that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen.”

And by further Treaties between the said Great Contracting Parties, viz., by Article VIII. of the Treaty of Paris, 1814, it was agreed that “His Britannic Majesty, stipulating for himself and his allies, engages to restore to His Most Christian Majesty, within the term which shall be hereafter fixed, the Colonies, fisheries, factories, and establishments of every kind which were possessed by France on the 1st January 1792, in the seas, on the Continents of America, Africa, and Asia, with exception, however, of the Islands of Tobago and St. Lucia, and the Isle of France and its dependencies, especially Rodrigues and the Sechelles, which several Colonies and possessions His Most Christian Majesty cedes in full right and sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which His Most Christian Majesty restores in full right and sovereignty to His Catholic Majesty.” And by Article XIII. of the said last-named treaty that “The French right of fishery upon the Great Bank of Newfoundland upon the coasts of the island of that name, and of the adjacent islands in the Gulf of St. Lawrence, shall be replaced upon the footing in which it stood in 1792.” And by Article XI. of the Treaty of Paris, 1815, that “The Treaty of Paris of the 30th May, 1814, and the Final Act of the Congress of Vienna of the 9th June 1815 are confirmed, and shall be maintained in all such of their enactments which shall not have been modified by the Articles of the present Treaty.”

Under the provisions of these treaties the French have hitherto maintained that they enjoy—

1. An exclusive right of fishery on that portion of the coast of Newfoundland between Cape St. John and Cape Ray, passing round by the north of the island.
2. That all British fixed settlements, of whatever nature, on that portion of the coast are contrary to treaty.

The British Government, on the other hand, have maintained—

1. That British subjects have a right to fish concurrently with the French, so long as they do not interrupt the latter.
2. That the undertaking in the Declaration of 1783, to cause the removal of fixed settlements, referred only to fixed fishing settlements, and that fixed settlements of any other kind are not contrary to the declaration.

French fishermen have, moreover, been in the habit of fishing the rivers, and of barring them with nets or weirs, interrupting the free circulation of salmon, and thereby causing great injury to the salmon fishery.

The British Government, however, have always maintained that the French have no right to the fisheries in rivers.

The Government of France each year during the fishing season employ ships of war to superintend the fishery exercised by their countrymen, and in consequence of the

divergent views entertained by the two Governments respectively as to the interpretation to be placed upon the treaties, questions of jurisdiction, which might at any moment have become serious, have repeatedly arisen.

Such being the provisions of the treaties, and the construction placed upon them by the Governments and subjects of the two countries, practical difficulties have naturally occurred, and it has become of urgent importance that they should be removed.

The colonists have for some years past been desirous of developing the resources of their country as regards mines, agriculture, and other industries, but have constantly been met with the objections of the French Government to their doing so, and the development of the Colony on that part of the coast of Newfoundland where the French enjoy treaty rights has been practically at a standstill, although rich mines are known to exist there, and the agricultural capabilities of the Colony are undoubtedly most valuable.

Your Government are aware that the present Commission is the eighth which has been appointed since the year 1846 for a settlement of the Newfoundland Fishery question, and it may be useful here to recapitulate briefly the various terms which have been proposed in the previous negotiations as a basis of settlement, in order to show distinctly how much more favourable to the Colony is the present arrangement as compared with the terms proposed on any previous occasion.

In the year 1844 the French Government proposed negotiations to be held in London, and previous to opening them it was determined to appoint a British and French Commissioner in Newfoundland to report upon the question.

Captain Fabvre, commander of the French naval station, and Mr. Thomas, President of the Chamber of Commerce at Newfoundland, were, in consequence, appointed by their respective Governments.

On the 30th July 1844 Mr. Thomas made his report to the Governor. In this report he suggested, with regard to the French claim of "exclusive rights," that the respective fishermen of both nations should be kept separate and distinct in their fishing places. He also suggested the extension of the French fishery limits to Belle Isle North, and made suggestions with regard to the sale of bait to French fishermen.

This report resulted in negotiations being held in Paris in the month of March 1846.

The British Commissioner, Sir A. Perrier, was authorised to offer, in exchange for the French cession of all rights between Cape Ray and Bonne Bay, the following concessions :—

Admission of *exclusive* right of fishery from Bonne Bay to Cape St. John, going round by the north.

Exclusive right of French fishery, drying, and curing at Belle Isle North.

Permission for English fishermen to sell bait at St. Pierre.

At preliminary conferences held in Newfoundland, these measures had nearly been agreed to by Mr. Thomas and Captain Fabvre; but Captain Fabvre was desirous of retaining for France, in addition to the exclusive rights above mentioned, her rights of fishing, curing fish, &c., at Cod Roy, Red Island, Port-à-Port, and Lark Harbour, and to acquire for the French a "concurrent" right of fishery on the coast of Labrador.

The instructions, however, to the French Commissioner did not admit of his negotiating on the above-mentioned principles, and as no new propositions were brought forward by the French Government up to the month of May 1847, the negotiations fell through.

On the application of the French Government in 1851 negotiations were renewed, Sir A. Perrier being again directed to proceed to Paris to act as British Commissioner, M. de Bon being appointed on the part of France.

The British Commissioner was instructed to invite proposals from the French Commissioner such as might form a starting-point in the negotiations.

M. de Bon accordingly proposed, on the part of France, to admit the right of British subjects to inhabit the Bay of St. George, or, in other terms, to give up the exclusive right of fishery in that bay, to which they considered themselves entitled by the Treaty of 1783. In return for this concession he demanded :—

1. The right to purchase and fish for bait (herring and capelin) on the south coast of Newfoundland, without restriction.

2. The right to fish during two months of the year (without curing or drying on shore) on that part of the coast of Labrador situated between the Isles Vertes and the Isles St. Modeste, both included; and

3. The right of fishery at Belle Isle North, in the Straits, which the French Commissioner asserted was enjoyed by the French, up to 1841, without any demur on the part of Great Britain.

The concessions demanded by the French negotiator were not considered admissible; and the British Commissioner, in order to overcome the difficulties arising out of the claim of Great Britain to a concurrent right of fishery, suggested that the question would be best settled if the rights of the fishermen of the two nations were kept separate and distinct. In order to carry out this suggestion, he proposed that the French rights should be made exclusive as against British subjects from Cape St. John to some point on the western coast, such as Cape Verte (Green Point, to the north of Bonne Bay); the French, on the other hand, to renounce their right altogether on the remainder of the coast, which would be that part where the British had been in the habit of carrying on the herring fishery and other fisheries incidental to the requirements of a fixed population.

The French negotiator offered no objection to the plan of recognizing the French "exclusive right" on a diminished extent of coast; but he contended for the retention of a "concurrent right" on that portion of the coast on which their exclusive claim might be renounced, and for other advantages as well, such as admission, concurrently with British fishermen, to the fisheries of Labrador and North Belle Isle, and to the "bait fishery" on the southern coast, all of which, he maintained, were necessary, as an equivalent for admitting British subjects to a free "concurrent right" on the lower portion of the western coast.

The British Commissioner was disposed to accept the demands of the French so far as to extend the French fishery to North Belle Isle, and also to remove all restrictions on the purchase of "bait," on condition that the French should entirely renounce their rights between Cape Verte and Cape Ray; and in June 1855 he forwarded to the Foreign Office the above suggestions in the form of a counter proposal to those which had been made by France.

Mr. Labouchere, Her Majesty's Secretary of State for the Colonies, concurred in the adoption of the British negotiator's project of a "compromise" as the basis of negotiation to be offered to the French Government. It corresponded, he believed, with the views of the Colonial authorities; deprived neither nation of any advantage of real value; and there would only be a reciprocal abandonment of barren rights and useless or nominal restrictions; and he prepared a draft treaty which might be substituted for the whole of the existing engagements on the Newfoundland Fisheries question.

The negotiations were continued in the year 1856 by Captain Pigeard, who arrived in London in the month of July of that year, and by Mr. Merivale, the Under Secretary of State for the Colonies. The basis of these negotiations was founded upon the counter proposals made by Sir A. Perrier, and also upon the draft of the treaty proposed by Mr. Labouchere. The negotiations finally terminated by the signature of a Convention in London on the 17th January 1857.

According to the stipulations of this Convention,* a printed copy of which is annexed, an exclusive right of fishery and the use of the strand for fishery purposes was conceded to the French from Cape St. John, on the east coast of Newfoundland, to the Quirpon Islands, and from the Quirpon Islands, on the north coast, to Cape Norman, on the west coast, in and upon the following five fishery harbours, namely, Port-au-Choix, Small Harbour, Port-au-Port, Red Island, and Cod Roy Island, to extend, as regarded these five harbours, to a radius of three marine miles in all directions from the centre of each such harbour. On other parts of the west coast (the five harbours excepted) British subjects were to enjoy a "concurrent" right of fishing with French subjects, but French subjects were to have the exclusive use of the strand for fishery purposes from Cape Norman to Rock Point, in the Bay of Islands, north of the River Humber, in addition to the strand of the reserved harbours.

A "concurrent" right of fishing was also granted to French subjects on the coast of Labrador, from Blanc Sablon to Cape Charles, and of North Belle Isle.

With regard to the question of fixed establishments, the Convention of 1857 stipulated that no British buildings or inclosures should be erected or maintained on the strand reserved for French exclusive use. It was provided, however, that buildings which had stood for five successive seasons previous to the date of the Convention,

* Convention of 1857.

without objection on the part of the French Government, should not be liable to removal without equitable compensation to the owners from the French Government. By the Convention a limited right of jurisdiction was conceded to the French, and French naval officers were to have the power to enforce the French exclusive rights of fishing by the expulsion of vessels or boats attempting concurrent fishing, in the case of there being no British cruising vessel in sight or made known to be present within a distance of five marine miles. French naval officers were likewise entitled to take such measures as occasion might require to put French fishermen in possession of any portion of the strand of which their exclusive use for fishery purposes was recognised by the Convention.

It will thus be seen that, according to the terms of the Convention of 1857, France would have obtained an *exclusive* right of fishery on the northern extremity and north-eastern coast of Newfoundland, and also on five points on the western coast of the island.

This Convention did not come into force owing to the objections raised by the Government of Newfoundland.

In the year 1859 a mixed Commission, composed, on the part of Great Britain, of Captain Dunlop and Mr. Kent (Colonial Secretary in Newfoundland), and, on the part of France, of M. de Montaignac de Chauvance and M. de Gobineau, was appointed to verify facts connected with the infraction of the treaties; and at the close of that year the Commissioners furnished their Report, accompanied by recommendations which led to the reopening of negotiations in 1860.

The terms of a Convention, and of Joint Instructions to be given to the British and French naval officers on the Newfoundland station, were then agreed on, and are enclosed (Enclosure 3),* but the negotiations fell through, mainly in consequence of the wording of Articles 4 and 15 of the Joint Instructions.

The 4th Article related to the punishment of offenders in fishery disputes, and the 15th Article had reference to the removal of such buildings on the French shore as might interfere with the French fishery, with regard to which it was found impossible to reconcile the conflicting views.

It may be useful to quote *in extenso* the latter article, as the use of one word in it contributed more than anything else to the failure of the negotiations.

It was to the following effect in the French version:—

“Toute construction qui sera élevée à l’avenir sans le consentement de la Commission des Pêcheries sera enlevée par l’ordre du Commissaire Britannique et sans indemnité, dans un délai de six mois de la notification qui en sera faite, si la place occupée par la dite construction est *requis* pour les besoins de la pêche Française.”

It was proposed to substitute the words: “faite par la Commission que la place occupée par la dite construction est *nécessaire* pour les besoins de la pêche Française.”

This alteration was proposed by the British Government in order to make the erections removable, not on a requisition from the French Government or its officer, but on notice from a Commission of which a British officer was a member. To this alteration the French Government objected on grounds with which it was difficult to deal, because they proceeded from an acknowledged difference of view between the two Governments. The British Government would, however, have been willing subsequently to waive their objections with regard to the wording of the 4th and 15th Articles of the Stipulations which were framed in 1860, and to accept the arrangement with some trifling modifications; but on the matter being referred to the French Government the proposal was rejected, nor did the French Government give any reasons for their refusal to accept it.

In the month of October 1874 negotiations were again renewed with the French Government, Captain (afterwards Admiral) Miller being appointed on the part of Her Majesty’s Government, and Captain de Boissoudy on that of France, and were continued, with various interruptions, during the course of the years 1875 and 1876, and, as you are aware, were not productive of any settlement.

In the course of these negotiations Her Majesty’s Government received the assistance of Sir F. Carter, Premier of Newfoundland, who was in England at the time.

The arrangement which was originally contemplated on this occasion was founded on resolutions, dated the 23rd April 1874, adopted by the Newfoundland House of Assembly, and concurred in by the Legislative Council, and it embraced the following stipulations:—

* Proposed Convention of 1860 with Joint Instructions.

1. The establishment of a Joint Naval Commission to take cognizance only of such matters as related to the fisheries; and in case of disagreement, reference to be made to the respective Governments, all other questions to be dealt with by competent authorities.

2. That the existing British Settlements in St. George's Bay, Cod Roy, and Bay of Islands, Bonne Bay, and White Bay should remain undisturbed, and no interruption to be made by the French to fishing by the British in those bays, nor interference with their buildings and enclosures there, nor with any erections or buildings on any part of the coast where the French enjoy a temporary right of fishery which did not actually interfere with the fishery privileges of the French, as should be determined by the Commissioners; nor were British subjects to be molested in fishing on any part where they did not actually interrupt the French by their competition.

3. That no building or enclosure which had been erected for five years should be removed as interfering with the French fishery privileges without compensation to be determined on by the Commissioners; but no compensation to be payable for any such building or enclosure hereafter erected without the consent of the Commissioners.

4. That the Commissioners should determine the limit or boundary line to which the French might prosecute their fishery, the British having the exclusive right of salmon and all other fishing in rivers.

5. That the breadth of strand of which the French should have the right of temporary use for fishery purposes should be defined; thus removing objections to grants of land for all purposes beyond the boundary so to be defined, and within the same for mining purposes; right being reserved to the British Government to erect on such strand works of a military or other public character, and to the British subjects for wharves and buildings necessary for mining, trading, and other purposes apart from the fishery in places selected with permission of Commissioners.

It was further recommended that the Colonial Legislature should state to Her Majesty's Government that they were not prepared to agree to any concessions to the Government of France which would convey to the French rights of fishery which they did not at present possess under existing Treaties; but that they would recommend the Legislature to consent that the valuable and important right to purchase bait, both herring and capelin, on the southern coast, should be conceded to the French at such times as British subjects might lawfully take the same upon terms which were to be agreed upon.

During the course of the negotiations which took place certain modifications of the above terms were introduced, which it is unnecessary to dwell upon here, inasmuch as the negotiations came to no result; but the above extracts have been quoted in order to show the nature of the arrangement which at that time was considered by the Government of Newfoundland as offering a satisfactory settlement of the fisheries question, and it is obvious that had an arrangement been entered into at that period on the above-quoted bases, it would have been far less advantageous to the interests of the Colony than the one which has now been signed by the British and French Commissioners in Paris.

A period of five years now elapsed before fresh negotiations, by means of a Joint Commission, took place. In the year 1881 a Commission was appointed, Admiral Miller being again the British Commissioner, and Admiral Pierre being named on the part of France.

During the negotiations Sir William Whiteway was in London, and was constantly consulted by Her Majesty's Government as the negotiations proceeded.

Draft Articles were drawn up by the British Commissioner, with the concurrence of Sir William Whiteway, which it was hoped would offer to the French Government a satisfactory basis for discussion, and lead to an agreement being arrived at between the Commissioners of the two respective countries for a settlement of the question.

The basis of this arrangement consisted in the appointment of a Commission, to be called a Commission of Demarcation, whose duty it would be to define and allot certain parts of the strand on which the French might exercise the rights conceded to them by Treaty, and the remainder of the coast to be released from Treaty stipulations; and it was contemplated to allot not more than one-half of any one harbour for the purpose of French use, and the amount of the strand inland was not to extend to a greater distance than one-third of a mile from high-water mark.

Moreover, in the allotments for French use there was to be reserved in each case to the British Government a sufficient space for the erection of wharves, &c., and other public works or buildings, which, however, were not to be erected without previous consent on the part of the French Government.

It was further contemplated that all establishments or settlements existing at the time, British or French, were, under certain provisos, to remain undisturbed.

In addition to the appointment of a Commission of Demarcation, a Mixed Commission was to be appointed, which was to be named the Fishery Commission, and was to act in conformity with Joint Instructions based on the Articles of the Agreement.

The duty of the Fishery Commission was to see that neither British nor French fishermen were interrupted in their fishing operations.

The Fishery Commission was to have power to punish any person contravening its orders or decisions, either by means of fines or seizure of property.

The French were to be allowed to leave their boats, &c., during the winter months, and to erect dwelling-houses for their guardians, who might be either French or British.

The French were to be allowed to purchase bait, both herring and capelin) on shore or at sea, on the southern coast of Newfoundland, at such times as British subjects might lawfully take the same, free from all duty or restriction not equally imposed on British subjects.

The French Commissioner, on being made acquainted with the substance of the draft Articles, reported at a meeting of the Commission that the French Government were unable to accept the arrangement embodied in them, stating that the principle of British and French occupying the same harbours and fishing-grounds could never be entertained.

It is not necessary to enter further on these negotiations, as they did not result in any agreement being come to.

On comparing the provisions of the various proposals enumerated above with those embodied in the present Arrangement, the advantages to the Colony offered by the latter will at once be seen.

The result under its provisions will be :—

1. That fixed settlements of every description will be allowed on the very extended portions of the coast which are tinted in red on the Map, with the exception of fishing establishments which Her Majesty's Government have never contended to be permissible under the Treaties.

2. That the claim of the French to an exclusive right of fishery will be withdrawn, as the Arrangement recognizes the concurrent right of British fishermen to fish everywhere on the coast between Cape St. John and Cape Ray, under the condition of not interfering with or molesting French fishermen when in the exercise of their fishing industry.

3. That the claim of the French to the right of fishing in rivers, except at the mouths, as far as the water remains salt, is withdrawn, and the practice of barring the rivers is prohibited.

4. That all fixed settlements, fishery or otherwise, at present existing within the limits of that portion of the coast over which the French enjoy Treaty rights, will not be disturbed.

In previous negotiations the subject of fixed establishments received the earnest consideration of the British negotiators, and it was, on more than one occasion, contemplated to appoint Mixed Commissions to assess the amount of compensation which should be paid to the owners of property whose buildings were to be removed.

However desirable such a course might have been, great difficulty would probably have been experienced in carrying it into effect, and it might have given rise to many vexatious and complicated questions.

No such inconvenience can result under the very satisfactory provision of the present arrangement dealing with this branch of the subject.

In return for the advantages to the Colony above enumerated, Her Majesty's Government would, under the present Arrangement, recognize little more than the *de facto* state of things existing as regards the acts of authority exercised every fishing season by the French cruizers in the waters over which the French Treaty rights extend, and the exercise of these acts on the part of French cruizers would only take place in cases of infraction of the very reasonable provisions of this Arrangement, and then only in the absence of any of Her Majesty's cruizers.

I may here observe that a Convention,* a copy of which is inclosed, was signed in 1881 at The Hague by the Representatives of certain Maritime Powers for the regulation of the fisheries in the North Sea. This Convention contains very useful provisions for the orderly prosecution of the fisheries in common by fishermen of different nationalities, and

* Convention (1881) relating to Regulation of North Sea Fisheries.

some of its provisions have been considered applicable to the case of the Newfoundland fisheries.

The stipulations of the North Sea Convention no doubt apply to waters which are not territorial, still the peculiar fisheries rights granted by Treaties to the French in Newfoundland invest those waters during the months of the year when fishing is carried on in them both by English and French fishermen with a character somewhat analogous to that of a common sea for the purposes of fishery. It could not be expected that the French would give up in favour of the development of the Colony the interpretation they place on the Treaties, without obtaining in return some equivalent by which they will in the future be better able to secure for their fishermen the full enjoyment of their fishing industry, and it appears to Her Majesty's Government that little inconvenience is likely to result from the exercise of the limited right accorded to French cruisers by the present Arrangement.

The French Government have invariably maintained that the establishment of a fixed population on any portions of the coast on which they enjoy Treaty rights must result in their ultimate exclusion from those spots, through French fishermen being virtually debarred from enjoying the free and uninterrupted exercise of the fishery rights accorded to them; and they instance the cases of the Bay of St. George on the west coast and of Conche on the east coast, where such a condition of affairs has arisen.

In agreeing, therefore, to the opening of all those extensive portions of the coast tinted red on the Map to a fixed population, the French Government naturally, and, in the opinion of Her Majesty's Government, not unreasonably, ask in return that they may be enabled to exercise, in cases where none of Her Majesty's cruisers may actually be present, such an amount of supervision as may insure an uninterrupted enjoyment of the fisheries by their countrymen in these waters.

Any inconvenience which might possibly be entailed by this arrangement would be obviated, if necessary, by a closer supervision being exercised on the part of Her Majesty's cruisers of those portions of the coast where the cruisers of the French navy may be stationed, and, indeed, it is contemplated that two of Her Majesty's cruisers should in future cruise more especially off the northern portion of the coast, where the French are in the habit of carrying on their principal fisheries.

It will be further observed that the fishery rights of the British are not in any way curtailed, but are, on the contrary, strengthened, their right of concurrent fishery being, as already pointed out, now recognised by the French.

In conclusion, I have to inform you that Her Majesty's Government have thought it desirable that the British Commissioners who attended the Commission in Paris should proceed to Newfoundland, in order to offer any explanations of the present Arrangement which your Government may desire to receive; and Her Majesty's Government confidently trust that your Ministers will view the arrangement in the same light as that in which it is regarded by Majesty's Government, namely, as being a most advantageous one to the interests of the Colony, and as affording a means of avoiding the recurrence of those irritating questions which have so constantly arisen in connexion with the Newfoundland Fisheries question, and, moreover, as greatly diminishing the risk of any conflicts between the fishermen of the two nations.

The British Commissioners will sail for Newfoundland on the 17th instant, and will present this Despatch to you on their arrival.

Her Majesty's Government would be gratified if your Ministers should find it in their power to convene a special meeting of the Legislature as soon as may be possible, in order that the necessary Acts may be passed to give effect to those portions of the Arrangement which require legislative action, so that its provisions may be brought into operation at as early a date as possible.

Sir John Glover.

I have, &c.
(Signed) DERBY.

Enclosure in No. 1.

Arrangement signed at Paris 26th April 1884, relating to the Newfoundland Fisheries Question.

(*Cancelled and superseded by "Arrangement" signed 14th November 1885.*)

ARRANGEMENT.

The undersigned Commissioners, who have been appointed by the Governments of Great Britain and France in order to find means, without touching the treaties at present in force, which it is not their duty either to modify or interpret, of preventing and regulating disputes relative to the exercise of the fishery on the coast of Newfoundland, have framed in concert the following regulations, subject to the approval of their respective Governments.

ARTICLE 1.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to comply with the following regulations for securing to French fishermen, in execution of the treaties in force, and particularly of the Declaration of 1783, the free exercise of their industry on the coasts of Newfoundland without any interference or obstruction whatever on the part of British subjects.

ARTICLE 2.

The Government of the French Republic engages, on its part, in exchange for the security accorded to French fishermen by the application of the regulations contained in the present arrangement, not to raise any objection against the formation of establishments necessary for the development of every industry other than that of the fisheries on those portions of the coasts of Newfoundland comprised between Cape St. John and Cape Raye which are tinted in red on the map* hereto annexed and which do not appear in the statement* also annexed describing the portions of the coast to which the present paragraph does not apply.

It engages equally not to disturb the resident British subjects in respect of the establishments actually existing on those parts of the coast comprised between Cape Saint John and Cape Raye passing by the North, but no new ones will be established on those parts of the coast described in the statement mentioned in the preceding paragraph.

ARTICLE 3.

It is understood that French citizens shall retain in full on all those parts of the

* The map and statement here referred to are identical with those annexed to the subsequent arrangement of 14th November 1885. See No. 14, pp. 30-32.

ARRANGEMENT.

Les Commissaires soussignés, délégués par les Gouvernements de Grande Bretagne et de France, à l'effet de rechercher, en dehors des traités actuellement en vigueur qu'ils n'avaient mission ni de modifier ni d'interpréter, les moyens de prévenir et de régler les contestations relatives à l'exercice de la pêche, sur les côtes de Terre Neuve, ont arrêté d'un commun accord, sous réserve de l'approbation de leurs Gouvernements respectifs, les dispositions suivantes.

ARTICLE 1er.

Le Gouvernement de Sa Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande, s'engage à se conformer aux dispositions ci après pour assurer aux pêcheurs français, en exécution des traités en vigueur et particulièrement de la Déclaration de 1783, le libre exercice de leur industrie, sur les côtes de Terre Neuve sans gêne ou obstacle quelconque de la part des sujets Britanniques.

ARTICLE 2.

Le Gouvernement de la République Française s'engage, de son côté, en échange de la sécurité accordée aux pêcheurs français par l'application des dispositions contenues dans le présent arrangement, à n'élever aucune protestation contre la création des établissements nécessaires au développement de toute industrie autre que celle des pêcheries, sur les parties de la côte de Terre Neuve comprise entre le Cap Saint Jean et le Cap Raye qui sont teintées en rouge sur la carte ci-annexée et qui ne figurent pas dans l'état, également ci annexé, comprenant les portions de territoire auxquelles ne s'appliquent point le présent paragraphe.

Il s'engage également à ne pas inquiéter les sujets Anglais résidents, à l'égard des constructions actuellement établies sur le littoral compris entre le Cap Saint Jean et le Cap Raye, en passant par le Nord. Mais il n'en sera point établi de nouvelles sur les parties du littoral comprises dans l'état mentionné au paragraphe précédent.

ARTICLE 3.

Il est entendu que les français conserveront dans sa plénitude sur toutes les

coast, comprised between Cape Saint John and Cape Raye, the right as it is defined by treaty of fishing, of drying and curing their fish, &c. as well as of cutting wood, in all parts, except on enclosed property, necessary for fishing stages, huts, and fishing boats.

ARTICLE 4.

The superintendence and the police of the fisheries shall be exercised by the ships of war of the two countries in accordance with the conditions hereafter set forth, the commanders of these ships having sole authority and competency under these conditions in all matters relating to the fisheries, and the operations which result therefrom.

ARTICLE 5.

French and English fishing ships or boats shall be registered in accordance with the administrative regulations of the country to which they respectively belong, and shall bear distinctive marks in a visible manner, which will allow of their being easily recognised at a distance. The captains, masters, or persons in charge, must have with them documents establishing the nationality of their ships or boats.

ARTICLE 6.

The commanders of cruisers of each nation shall notify mutually to one another any infractions which may be committed by the ships or boats of the other nation of the regulations set forth in the preceding article.

ARTICLE 7.

The cruisers of the two countries shall have authority to record all infractions of the treaties actually in force, and especially of the Declaration of 1783, according to the terms of which British subjects are not to “interrupt in any manner the fishery of the French by their competition during the temporary exercise of it which is granted to them upon the coasts of Newfoundland.”

ARTICLE 8.

On a complaint being made by French fishermen or on a demand being made by them with a view to their being enabled to exercise their right of fishing, the commanders of the English cruisers shall oppose, and, in case of no English cruiser being in sight, the commanders of the French cruisers may oppose, every fishing

parties de la côte comprise entre le Cap Saint Jean et le Cap Raye et tel qu'il est défini par les Traités, le droit de pêcher, sécher, préparer le poisson, &c., ainsi que celui de couper partout ailleurs que dans les propriétés closes, le bois nécessaire pour leurs échafaudages cabanes et bâtiments de pêche.

ARTICLE 4.

La surveillance et la police de la pêche seront exercées par des bâtiments de la marine militaire des deux pays, dans les conditions ci-après déterminées les commandants des croiseurs ayant seuls, dans ces conditions, autorité et compétence dans toutes les affaires concernant la pêche et les opérations qui en sont la conséquence.

ARTICLE 5.

Les navires ou bateaux de pêche français et anglais seront enregistrés, suivant les règlements administratifs du pays auquel ils appartiennent, et devront porter d'une manière apparente des marques distinctives permettant de constater à distance leur identité. Les capitaines, maîtres, ou patrons seront porteurs de documents justificatifs de la nationalité de leurs navires ou bateaux.

ARTICLE 6.

Les commandants des bâtiments croiseurs se signaleront mutuellement les infractions aux règles établies par l'article précédent qui seraient commises par les navires ou bateaux de l'autre nation.

ARTICLE 7.

Les bâtiments croiseurs des deux pays seront compétents pour constater toutes les infractions aux traités actuellement en vigueur et notamment à la Déclaration de 1783, aux termes de laquelle les sujets britanniques ne doivent “troubler en aucune manière par leur concurrence, la pêche des français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre Neuve.”

ARTICLE 8.

Sur la plainte des pêcheurs français ou sur leur demande tendant à pouvoir user de leur droit de pêche, les commandants des bâtiments croiseurs Anglais s'opposent, et, s'il n'y a aucun croiseur Anglais en vue, les commandants des bâtiments croiseurs français pourront s'opposer à toute opération de pêche des sujets Britanniques

operation of British subjects which may interrupt the industry of such French fishermen; they shall remove the boats or ships causing the obstruction to such industry.

With this object the commanders of French cruizers may address to the offending parties the necessary warnings, and in case of resistance take their fishing implements in order to place them on shore or to give them up into the hands of the commanders of Her Britannic Majesty's cruizers.

In cases in which no interruption shall result to French fishermen, and in which neither a complaint nor a demand has been made to enable them to exercise without difficulty their right of fishing, the commanders of French cruizers shall not oppose the fishing operations of British subjects.

ARTICLE 9.

In cases in which residents on shore may interfere with or disturb by their acts the drying and the preparation of fish, and in general the various operations which are a consequence of the exercise of the French fishery on the coast of Newfoundland, a report verifying the damage caused shall be drawn up by the commanders of the cruizers of Her Britannic Majesty and, in their absence, by the commanders of the French cruizers.

In the latter case the report shall be admitted in evidence in the judicial proceedings to be taken thereon by the commanders of Her Majesty's cruizers in the exercise of their functions as justices of the peace.

ARTICLE 10.

If an offence is committed or damage caused, the commanders of cruizers of the nationality to which the offender belongs, and in their absence, the commanders of the cruizers of the nationality to which the plaintiff belongs, shall estimate the gravity of the facts brought to their knowledge, and shall record the damage sustained by the plaintiff.

They shall draw up, should occasion require it, in accordance with the forms in use in the countries of the two nations respectively, a report as to the verification of the facts such as it may result as well from the declarations of the interested parties as from the evidence taken in the matter. This report shall be admitted in evidence in the judicial proceedings to be

qui générerait l'industrie des dits pêcheurs français; ils éloigneront les bateaux ou navires qui seraient un obstacle à cette industrie.

A cet effet, les commandants des bâtiments croiseurs français, pourront adresser à la partie en cause les injonctions nécessaires, et prendre, en cas de résistance, les engins de pêche pour les déposer à terre ou les remettre entre les mains des commandants des croiseurs de sa Majesté Britannique.

Dans le cas où il n'en résulterait aucune gêne pour les pêcheurs français, et où il n'y aurait ni plainte ni demande de leur part tendant à pouvoir user, sans difficulté, de leur droit de pêche, les commandants des croiseurs français ne s'opposeront pas à l'exercice de la pêche par les sujets Britanniques.

ARTICLE 9.

Dans le cas où des résidents gêneraient ou troubleraient à terre, par leurs actes, le séchage et la préparation du poisson et, en général les diverses opérations qui sont la conséquence de l'exercice de la pêche française sur la côte de Terre Neuve, un procès verbal de constatation du dommage causé sera dressé par les commandants des bâtiments croiseurs de Sa Majesté Britannique et, en leur absence, par les commandants des croiseurs français.

Dans ce dernier cas, le procès verbal fera foi, pour la justice à rendre, en leur qualité de Magistrats, par les commandants des croiseurs de Sa Majesté Britannique.

ARTICLE 10.

Si un délit est commis ou un dommage causé, les commandants des bâtiments croiseurs de la nationalité du délinquant et, en leur absence, les commandants des bâtiments croiseurs de la nationalité du plaignant apprécieront la gravité des faits parvenus à leur connaissance et constateront le dommage éprouvé par la partie plaignante.

Ils dresseront, s'il y a lieu, et suivant les formes usitées dans leur pays, procès verbal de la constatation des faits telle qu'elle résultera tant des déclarations des parties intéressées que des témoignages recueillis. Le procès verbal fera foi, pour la justice à rendre, dans les limites de leur compétence, par les commandants des croiseurs de la nationalité du délinquant.

taken thereon so far as their powers extend by the commanders of the cruizers of the nationality to which the offending party belongs.

Should the matter appear to be of sufficient gravity to justify such a step, the commander of the cruizers of the nationality to which the plaintiff belongs, shall have the right if no cruizer of the nationality to which the offender belongs be in sight, to secure either the person of the offender or his boat in order to give them up into the hands of the commanders of the cruizers of the nationality to which they belong.

ARTICLE 11.

The commanders of British and French cruizers shall administer immediate justice within the limits of their powers, with regard to the complaints brought to their notice either by the interested parties directly or through the commanders of the cruizers of the other nation.

ARTICLE 12.

Resistance to the directions or injunctions of commanders of cruizers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruizer, be considered as resistance to the competent authority for repressing the act complained of.

ARTICLE 13.

When the act alleged is not of a serious character but has nevertheless caused damage, the commanders of cruizers shall be at liberty, should the parties concerned agree to it, to arbitrate between them, and to fix the compensation to be paid.

ARTICLE 14.

The French Government abandons for its subjects the salmon fisheries in rivers, and only reserves a right to the salmon fishery in the sea and at the mouths of rivers up to the point where the water remains salt, but it is forbidden to place fixed barriers capable of impeding interior navigation or the circulation of the fish.

ARTICLE 15.

French fishermen shall be exempt from the payment of any duties on the importation into that part of the Island of Newfoundland comprised between Cape Saint John and Cape Raye, passing by the North, of all articles, goods, provisions,

Si le cas lui semble assez grave pour justifier cette mesure, le commandant du bâtiment croiseur de la nationalité du plaignant aura le droit, s'il n'y a en vue aucun croiseur de la nationalité du délinquant, de s'assurer soit de la personne du dit délinquant, soit de son bateau, pour les remettre entre les mains des commandants des bâtiments croiseurs de leur nationalité.

ARTICLE 11.

Les commandants des bâtiments croiseurs Anglais et français devront, dans la limite de leur compétence, faire droit, d'urgence, aux plaintes, dont ils seront saisis, soit directement par la partie intéressée, soit par l'entremise des commandants des croiseurs de l'autre nation.

ARTICLE 12.

La résistance aux prescriptions ou injonctions des commandants des bâtiments croiseurs chargés de la police de la pêche ou de ceux qui agissent d'après leurs ordres, sera, sans tenir compte de la nationalité du croiseur, considérée comme résistance envers l'autorité compétente pour réprimer le fait incriminé.

ARTICLE 13.

Lorsque le fait incriminé ne sera pas de nature grave, mais que, néanmoins il aura occasionné des dommages, les commandants des bâtiments croiseurs pourront concilier les intéressés et fixer l'indemnité à payer, s'il y a consentement des parties en cause.

ARTICLE 14.

Le Gouvernement Français renonce, pour ses nationaux, à la pêche du saumon dans les cours d'eau et ne se réserve la pêche de ce poisson qu'en mer et à l'embouchure des rivières jusqu'au point où les eaux sont salées, mais il est interdit d'établir des barrages fixes pouvant empêcher la navigation intérieure ou la circulation du poisson.

ARTICLE 15.

Les pêcheurs français seront, exempts de toute taxe pour l'introduction dans la partie de l'Île de Terre Neuve comprise entre le Cap Saint Jean et le Cap Raye, en passant par le Nord, de tous objets, matières, vivres, &c., nécessaires à leur

&c., which are necessary for the prosecution of their fishing industry, for their subsistence, and for their temporary establishment on the coast of this British possession.

They shall also be exempt on the same part of the coast from the payment of all light and port dues and other shipping dues.

ARTICLE 16.

French fishermen shall have the right to purchase bait, both herring and capelin, on shore or at sea, on the shores of Newfoundland, free from all duty or restriction, subsequent to the 5th of April in each year and up to the close of the fishing season.

ARTICLE 17.

The employment of French subjects in the proportion of one family to each establishment is authorised for the guardianship of the French establishments out of the fishing season.

ARTICLE 18.

All fishing boats, all their small boats, all rigging, gear, nets, lines, buoys and other fishing implements whatsoever, found or picked up, shall, as soon as possible, be delivered to the competent authorities of the nation of the salvor.

The articles saved shall be restored to the owners thereof or to their representatives by means of the above-mentioned competent authorities, the interest of the salvors being previously guaranteed.

The indemnity to be paid to the salvors shall be fixed in accordance with the law of the respective countries in such matters.

ARTICLE 19.

The provisions of the present arrangement, with the exception of those contained in Articles 1 and 2, shall be applicable solely for the time during which the treaties accord to the French the right of fishing and drying their fish.

In faith of which the undersigned Commissioners have drawn up the present arrangement, subject to the approval of their respective Governments, and have signed the same.

Done at Paris, in duplicate, the 26th of April 1884.

FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

industrie à leur subsistence et à leur établissement temporaire sur la côte de cette possession Britannique.

Ils seront également, dans cette même partie de l'Île affranchis de tout droit de phare, de port, ou autre droit de navigation.

ARTICLE 16.

Les pêcheurs français auront le droit d'acheter la boîte, hareng et capelan, à terre ou à la mer, dans les parages de Terre Neuve, sans droits ni entraves quelconques postérieurement au cinquième jour d'Avril de chaque année et jusqu'à la fin de la saison de pêche.

ARTICLE 17.

L'emploi de sujets français, à raison d'une famille par établissement, est autorisé pour la garde des emplacements français, en dehors de la saison de pêche.

ARTICLE 18.

Tout bateau de pêche, tout canot, tout objet d'armement ou de gréement de bateau de pêche, tout filet, ligne, bouée ou engin quelconque, qui aura été trouvé, ou recueilli, devra aussitôt que possible être remis aux autorités compétentes de la nation du sauveteur. Les objets sauvés seront rendus aux propriétaires ou à leur représentants par les soins des dites autorités compétentes et sous réserve de la garantie préalable des droits de sauveteurs.

L'indemnité à payer aux sauveteurs sera fixée suivant la législation de leur pays.

ARTICLE 19.

Les dispositions du présent arrangement, à l'exception de celles des Articles 1 et 2 seront applicables uniquement pendant le temps durant lequel les traités accordent aux français le droit de pêcher et de sécher le poisson.

En foi de quoi les Commissaires sous-signés ont dressé le présent arrangement sous réserve de l'approbation de leurs Gouvernements respectifs et y ont opposé leur signature.

Fait à Paris en double exemplaire le 26 Avril 1884.

CH. JAGERSCHMIDT.
J. BIGREL.

No. 2.

GOVERNOR SIR J. H. GLOVER, G.C.M.G., to the RIGHT HON. THE EARL OF DERBY, K.G. (Received July 24, 1884.)

MY LORD,

Government House, July 16, 1884.

At a Council held this morning, I had laid before me the accompanying Minute upon which my Ministers have agreed in regard to the Convention signed at Paris on the 26th of April 1884 by the English and French Commissioners.

2. Your Lordship will observe that my Ministers desire two modifications in the proposed scheme, namely, facilities for the export of minerals from harbours not tinted red on the map; and that the French guardians should be limited to one family in each harbour.

I have, &c.

The Right Hon. the Earl of Derby,
&c. &c. &c.

(Signed) JOHN H. GLOVER,
Governor.

Enclosure in No. 2.

EXTRACT FROM MINUTES OF COUNCIL, 15th July 1884.

THE Council have had under consideration the Arrangement agreed to by Messrs. Ford and Pennell, Commissioners appointed by Her Majesty's Government, and by Monsieur Jagerschmidt and Captain Bigrel, on the part of the Government of France, with regard to the Newfoundland fisheries question, together with a Despatch, dated 12th June 1884, of the Right Hon. Secretary of State for the Colonies to his Excellency the Governor on this subject.

The Council appreciate the endeavours of Her Majesty's Government to effect an arrangement for the prevention of the difficulties periodically recurring between the fishermen of both nations.

It is to be regretted that Her Majesty's Government have not been enabled to secure to British subjects to the full extent those rights for which the Government of Newfoundland have contended, and which are set forth in the resolutions adopted by the local legislature, dated 23rd April 1874, to the principles of which resolutions the Council still adhere.

Reciprocating the solicitude of Her Majesty's Government for the attainment of the object in view, the Council confide in the assurance of the Right Hon. Lord Derby in his Despatch above quoted, that under the proposed arrangement the claim of the French to an exclusive right of fishery is withdrawn, and the concurrent right of British fishermen recognised to fish everywhere on the coast between Cape St. John and Cape Ray, provided they do not actually interfere with or molest French fishermen in the exercise of their fishing industry.

With regard to complaints and offences the adjudication of which would rest solely with the Commanders of French cruisers, the Council must rely upon an equitable construction being applied to the terms of the treaties; and they trust that a vigilant exercise by the British cruisers of the powers conferred on them, sustained by Her Majesty's Government, will insure to British subjects the full enjoyment of those privileges contemplated by the proposed arrangement. In a word, the Council feel assured that the whole proposition will be carried out in the spirit of equity and mutual consideration essential to its success.

With these views the Council would respectfully urge that the following modifications may be effected, in such manner as Her Majesty's Government may deem best adapted to the attainment of the ends desired.

An erroneous estimate appears to have obtained of the value of that portion of the coast tinted red on the map accompanying the present proposals. Although this extent of coast is apparently open to British occupation, yet that portion between Bonne Bay and Cat's Arm in White Bay is impossible of settlement, inasmuch as the harbours and landing places within these limits are practically reserved for the use of the French. It is believed that in the vicinity of some of these harbours there are valuable mineral deposits, and unless means of ingress and egress are afforded such deposits cannot be worked. The present arrangement should therefore contain a provision allowing of the erection of wharves and buildings necessary for working and shipping purposes in these

harbours. Such erections could not interfere with or incommode the fishing operations of the French. The sites to be determined by the British and French Commanders of cruisers on the coast.

Article 17 appears to be objectionable on the ground that it would operate as a basis for the formation of the permanent settlement of a French population on the coast. The guardians indicated should be limited to one French guardian and his family for each harbour, for the purpose of taking care of French property during that period of the year when the French, by treaty, are to be absent from the coast.

The Council are convinced that the Legislature, as well as the Executive, in entering upon this important question, will be animated by a desire to meet as far as possible the views of Her Majesty's Government regarding a satisfactory settlement, and they believe that the acceptance of the modifications above suggested would tend materially to commend the arrangement to the favourable consideration of both Houses.

The Council regret that under present circumstances the holding of a Session of the Legislature before the usual period of the year would be attended with such difficulties and inconveniences that they are obliged to deem it inexpedient, and feel unable to meet the desire of Her Majesty's Government in relation to this matter.

E. D. SHEA,
Clerk, Executive Council.

No. 3.

GOVERNOR SIR J. H. GLOVER, G.C.M.G., to the RIGHT HON. the EARL OF DERBY, K.G. (Received July 24, 1884.)

MY LORD,

Government House, July 16, 1884.

I HAVE the honour to forward herewith a Minute of Council agreed upon by my Ministers, setting forth the reason for not holding a special Session of the Legislature, as suggested in your Lordship's secret Despatch of the 12th June 1884.*

I have, &c.

The Right Hon. the Earl of Derby,
&c. &c. &c.

(Signed) JOHN H. GLOVER,
Governor.

Enclosure in No. 3.

MINUTE of the EXECUTIVE COUNCIL, held on the 16th July 1884.

THE present circumstances of the Colony are very unfavourable to the holding of a special Session of the Legislature.

2. The recent trials in the Supreme Court, consequent on the disturbances in Harbour Grace, have produced a great and unwonted agitation of the public mind, and sectarian feeling is active and widespread. In this state of things it is exceedingly improbable that the very important matter now in question would receive dispassionate consideration. The Council therefore regret that they are obliged to deem the proposal of an extra Session inexpedient, and that in this respect they are unable to meet the desire of Her Majesty's Government.

(Signed) E. D. SHEA,
Clerk.

No. 4.

The RIGHT HON. THE EARL OF DERBY, K.G., to GOVERNOR SIR J. H. GLOVER, G.C.M.G.

SIR,

Downing Street, August 9, 1884.

I HAVE the honour to acknowledge the receipt of your secret Despatch of the 16th of July,† enclosing a Minute of Council respecting the Arrangement for the settlement of the Newfoundland Fishery Question.

* No. 1.

† No. 2.

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I have read the Minute with satisfaction, and Her Majesty's Government will use their best endeavours to procure the acceptance by the French Government of the modifications in the Convention which are suggested.

Sir J. H. Glover.

I have &c.
(Signed) DERBY.

No. 5.

The RIGHT HON. the EARL OF DERBY, K.G. to GOVERNOR SIR J. H. GLOVER, G.C.M.G.

TELEGRAPHIC.

22nd November. With respect to the proposed Fisheries Arrangement the French Commissioners are ready to agree to one guardian for each harbour except in the case of large harbours where their establishments are at a distance from each other. Reply as soon as possible whether your Government agree, and ask them to suggest a wording of the article to meet this case. The British Commissioners hope to be able to carry the modification desired by your Government as regards the question of wharves in harbours.

No. 6.

GOVERNOR SIR J. H. GLOVER, G.C.M.G. to the RIGHT HON. THE EARL OF DERBY, K.G. (Received November 24, 1884.)

TELEGRAPHIC.

Proposed Fisheries Arrangement.—My government are willing to assent to the suggested modification as to guardians in the case of large harbours if that is the only point in dispute. They consider that the article should run thus: "except in large harbours where the temporary fishing rooms of the French are so distant from each other as to render it impracticable for one guardian to take care of all such rooms, and in such harbours two guardians may be appointed."

No. 7.

The RIGHT HON. THE EARL OF DERBY, K.G., to GOVERNOR SIR J. H. GLOVER, G.C.M.G.

TELEGRAPHIC.

31 January 1885.—Fishery question. There is every prospect of obtaining modification in respect of guardians in accordance with text suggested by Colonial Government and modification in respect of wharves as worded in following draft article to follow Article 2: "As often as and notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding article, and in the case in which a mine shall be discovered in the vicinity of any one of the parts of the coast comprised in the statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection against the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fishery. With this object a wharf may be constructed on a point of the coast to be specified by common agreement between the commanders of the cruisers of the two nations, all the buildings necessary for the working of the mine, of whatever description they may be, storehouses, magazines, workman's houses, &c., shall be erected on that part of the territory situated beyond the limits specified in the annexed statement. They may be connected to the wharf by one single railroad of one or two lines, no construction other than that of a wharf, and the railroad above-mentioned shall, in conformity with the last stipulation of the second paragraph of the preceding article, be erected on that part of the coast set aside for the fishing within the limits fixed in the annexed statement"; end of proposed article; statement referred to accompanies Article 2.

It is hoped that if buildings are placed beyond distances defined in statement, but are connected by rail with the wharves, the requirements of Colonial Government will be practically met. It is of great importance that Her Majesty's Government should receive assurance from Colonial Government that the Legislature will probably agree to Arrangement of April 26th with modifications as above indicated. Her Majesty's Government would highly appreciate friendly co-operation of Newfoundland Government and Legislature in bringing to a settlement and thus concluding this question affecting their relations with France.

No. 8.

GOVERNOR SIR J. H. GLOVER, G.C.M.G., to the RIGHT HON. THE EARL OF DERBY, K.G. (Received February 6, 1885.)

TELEGRAPHIC.

Fifth. Referring to your telegram* which has been submitted to Government here, they consider that proposed alteration of the modifications suggested by them with regard to wharves and buildings in case of discovery of mines in neighbourhood of portion of coast set aside for the French, will prohibit the working of mines within the limits mentioned in Arrangement; buildings of certain description being quite indispensable to working in mines. A favourable reception of Arrangement of 26th April by the House of Legislature, meet on 12th February, would be seriously affected by these restrictions. Colonial Government are most desirous of co-operating with Her Majesty's Government in settling the matter.

No. 9.

The RIGHT HON. THE EARL OF DERBY, K.G., to GOVERNOR SIR J. H. GLOVER, G.C.M.G.

TELEGRAPHIC.

February 10, 1885. Object of French Government is to discourage population where French fishery establishments particularly situated. Her Majesty's Government regard as hopeless to endeavour to induce French Government to agree to buildings within prescribed limits in harbours not tinted red on map unless it is stipulated that they shall not be used as residences. They could propose, if this would meet views of your Government, that with the above reservation, constructions necessary for shelter of mining apparatus and storage of minerals might be permitted within those limits on sites to be approved by common agreement between the commanders of cruisers of two nations. Would your Government suggest wording of article in this sense?

No. 10.

GOVERNOR SIR J. H. GLOVER, G.C.M.G., to the RIGHT HON. THE EARL OF DERBY, K.G. (Received February 12, 1885.)

TELEGRAPHIC.

Eleventh. Buildings within prescribed limits in harbours not tinted red on map shall be understood to mean all constructions necessary for mining operations, such as shelters for mining apparatus and stores for minerals, but not dwellings, which are not permitted within the said limits.

* No. 7.

No. 11.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR, Foreign Office, December 18, 1885.
 I AM directed by the Marquis of Salisbury to transmit to you herewith, for the information of Her Majesty's Secretary of State for the Colonies, copy of a Despatch which his Lordship has addressed to the British delegates to the Newfoundland Fishery Commission upon the termination of the labours of the Commission, together with a copy of a Despatch to Her Majesty's Minister at Paris, bearing testimony to the conciliatory spirit shown by the French delegates throughout the recent negotiations.

I am, &c.
 (Signed) J PAUNCEFOTE.
 The Under Secretary of State,
 Colonial Office.

Enclosure in No. 11.

The MARQUIS OF SALISBURY to Sir CLARE FORD and Mr. PENNELL.

GENTLEMEN, Foreign Office, December 12, 1885.

I HAVE received with much satisfaction from Her Majesty's Secretary of State for the Colonies a copy of the Arrangement relative to the Newfoundland fisheries, which was signed by you on the 14th ultimo, jointly with your French colleagues, and which you were authorised to conclude, subject to its acceptance by the Legislature of the Colony and to its final ratification by Her Majesty's Government and the Government of the French Republic.

The controversy between Great Britain and France concerning the Newfoundland fisheries has been carried on for more than 100 years. It may be said, indeed, to date back to a period considerably anterior to the Treaty of Versailles of 1783, by which it was hoped that a lasting solution of the question would have been effected. Differences of opinion arose, however, almost immediately afterwards, with regard to the proper construction of the new Treaty stipulations dealing with the French rights of fishery, and, as time went on, the question became still further complicated by the increase of the fixed population on that part of the shore where these privileges were exercised. The matter was first brought before the Foreign Office by a Despatch from Count Sebastiani to Lord Palmerston in 1836; but formal negotiations were not opened till ten years later, in 1846; which resulted, eleven years later, in 1857, in the signing of a Convention between England and France, by which it was hoped that all difficulties would be adjusted. But it fell to the ground through the opposition of the Newfoundland Legislature, and attempts of a similar character which were made in 1859-60, 1868, 1874, and 1881, have, for various reasons, proved equally abortive.

The actual negotiations in which you have recently been engaged have extended over a period of nearly two years, and your labours in connexion with this important question having now come to a close, I avail myself of the opportunity to express to you my entire approval of the manner in which you have performed the duties intrusted to you, and my high appreciation of the tact and ability you have displayed in the conduct of these long and delicate negotiations.

I trust that the new "Arrangement" which you have concluded, will be found to afford a practical solution of the many difficulties surrounding the question of the Newfoundland fisheries, and that it will provide a satisfactory means of settlement for the constantly recurring disagreements between British and French subjects in Newfoundland, which have for so many years formed the subject of correspondence between the two Governments concerned, whilst at the same time I believe that it will satisfy the legitimate needs of the inhabitants of the coast of Newfoundland, and allow of the development of the agricultural and mineral resources of the Colony.

If these anticipations should be realised the object sought by the two countries will have been attained.

I cannot conclude this Despatch without placing on record my acknowledgment of the conciliatory spirit shown by your French colleagues throughout the late negotiations,

which has largely facilitated the task with which you were charged, and contributed in no slight degree to its successful issue.

I am, &c.
(Signed) SALISBURY.

Enclosure 2 in No. 11.

The MARQUIS OF SALISBURY to SIR J. WALSHAM.

SIR,

Foreign Office, December 15, 1885.

I transmit to you herewith, for your information, copy of the papers marked in the margin relative to the proceedings of the Newfoundland Fishery Commission, and to the Arrangement lately signed in Paris by the British and French Commissioners.

I have to request that you will take advantage of the first favourable opportunity that may present itself to express to the French Government the high sense entertained by Her Majesty's Government of the conciliatory spirit shown by the French delegates throughout the recent negotiations, which has contributed in an important degree to the harmonious action of the Mixed Commission, and to the conclusion of the Arrangement signed on the 14th ultimo.

I am, &c.
(Signed) SALISBURY.

No. 12.

COLONIAL OFFICE to SIR F. CLARE FORD, K.C.M.G., C.B., and
E. B. PENNELL, Esq.

GENTLEMEN,

Downing Street, December 27, 1885.

I AM directed by Colonel Stanley to acknowledge the receipt of your letter of the 15th of November,* enclosing (with other documents) the "Arrangement" relating to the Newfoundland fisheries which was signed at Paris by yourselves and the French Commissioners on the previous day, and reporting your proceedings in connexion therewith.

Colonel Stanley forwarded copies of your report with its enclosures to the Secretary of State for Foreign Affairs, and he now desires me to inform you that Her Majesty's Government approve the "Arrangement" as signed by you on the 14th of November, subject to future ratification, and they also approve the proceedings which you have reported.

The Marquis of Salisbury has forwarded to this office a copy of the Despatch dated the 12th instant,† which he addressed to you on the termination of the labours of the Commission upon which you have been engaged, and Colonel Stanley desires me to state that he has pleasure in conveying to you the expression of his entire concurrence in the remarks made by his Lordship.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Sir Clare Ford.
E. B. Pennell, Esq.

No. 13.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, January 16, 1886.

WITH reference to my letter of the 18th of December last,‡ I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, copy of a Despatch from Her Majesty's Minister in Paris, on the subject of the Newfoundland Fisheries question.

I am, &c.
(Signed) J. PAUNCEFOTE.

The Under Secretary of State,
Colonial Office.

* Not printed.

† Enclosure 1 in No. 11.

‡ No. 11.

Enclosure in No. 13.

Sir J. WALSHAM to the MARQUIS OF SALISBURY.

MY LORD,

Paris, January 1, 1886.

ON Wednesday last, the first opportunity of seeing M. de Freycinet that had presented itself since the receipt of your Lordship's instruction of the 15th ultimo, I took advantage of it to express to his Excellency the high sense entertained by Her Majesty's Government of the conciliatory spirit which had been shown by the French Delegates throughout the recent negotiations on the Newfoundland Fisheries question. It was considered, I said, to have contributed in a high degree to the harmonious action of the Mixed Commission, and to the satisfactory termination of its labours.

M. de Freycinet begged me to assure your Lordship of the gratification which he felt at this mark of appreciation on the part of Her Majesty's Government. Such appreciation, he added, was all the more gratifying to him because he had not concealed from the French Commissioners his own wish that the negotiations with their English colleagues should be conducted on the most friendly footing.

I have, &c.

(Signed) JOHN WALSHAM.

No. 14.

COLONEL THE RIGHT HON. F. A. STANLEY, M.P., to the OFFICER ADMINISTERING THE GOVERNMENT OF NEWFOUNDLAND.

SIR,

Downing Street, January 26, 1886.

IN his Despatch to the late Governor of Newfoundland of the 12th of June, 1884,* my predecessor transmitted a copy of the Arrangement signed at Paris on the 26th of April of that year, for the regulation of the Newfoundland Fisheries, and for settling the difficult questions connected therewith.

Lord Derby in that Despatch explained the rights enjoyed by the French under the treaties in force bearing upon the question; he described the various attempts made from time to time to settle the points in dispute between the Governments of France and Great Britain, and showed the advantages offered by the Arrangement then forwarded as compared with the terms contemplated in all previous proposals for a settlement.

The British Commissioners who attended the Commission in Paris, proceeded, as you are aware, to St. John's at the same time with the Despatch, in order to offer any explanations which the Government of Newfoundland might desire to receive upon the subject of the Arrangement, which was one which Her Majesty's Government regarded not only as most advantageous to the interests of the Colony, but also as affording a means of avoiding the recurrence of those irritating questions which had so constantly arisen, and as calculated to diminish greatly the risk of any conflicts between the fishermen of the two nations.

During their visit to Newfoundland the British Commissioners were in constant communication with the Colonial Government, whose consideration of the Arrangement resulted in a Minute of Council, dated the 15th of July 1884, in which they stated that the Colonial Legislature, as well as the Executive, would be animated by a desire to meet, as far as possible, the views of Her Majesty's Government regarding a satisfactory settlement, but they urged that certain modifications should be made in the Arrangement which would tend materially to commend it to the favourable consideration of both Houses of the Colonial Legislature. The modifications they desired were the following.

That the Arrangement should contain a provision allowing the erection of wharves and buildings necessary for working mines and for shipping purposes in those harbours of the coast of Newfoundland not tinted red on the map accompanying Article 2 of the Arrangement, the sites to be determined by the British and French Commanders of cruizers on the coast, and that Article 17 of the Arrangement should be modified to this extent, viz., that the guardians indicated should be limited to one French guardian

* No. 1.

and his family for each harbour, for the purpose of taking care of French property during that portion of the year when the French are obliged by treaty to be absent from the coast.

With regard to this latter point, the Colonial Government subsequently agreed that in large harbours two French guardians should be allowed.

In reply to the Governor's Despatch forwarding this Minute of Council to the Secretary of State, Lord Derby informed the Governor that he had read the Minute with satisfaction and that Her Majesty's Government would use their best endeavours to procure the acceptance by the French Government of the modifications in the Arrangement which were suggested.

Negotiations with this object were subsequently resumed by the same Commission, and my predecessor informed the Governor of Newfoundland by his telegram of the 31st of January, that there appeared to be every prospect of obtaining the modification in respect of guardians suggested by the Colonial Government and a modification with regard to wharves, as worded in following draft article to follow Article 2. "As often as and notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding Article, and in the case in which a mine shall be discovered in the vicinity of any one of the parts of the coast comprised in the statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection against the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French Fishery. With this object a wharf may be constructed on a point of the Coast to be specified by common agreement between the commanders of the cruizers of the two nations, all the buildings necessary for the working of the mine, of whatever description they may be, storehouses, magazines, workman's houses, &c., shall be erected in that part of the territory situated beyond the limits specified in the annexed statement. They may be connected to the wharf by one single railroad of one or two lines, no construction other than that of a wharf, and the railroad above mentioned shall, in conformity with the last stipulation of the second paragraph of the preceding article, be erected on that part of the coast set aside for the fishing within the limits fixed in the annexed statement."

In reply, the Secretary of State was informed by the Governor's telegram of the 5th of February 1885, that the Colonial Government considered that the proposed alteration of the modifications suggested by them with regard to wharves and buildings, in case of discovery of mines in neighbourhood of portion of coast comprised in the "Statement" referred to would prohibit the working of mines within the limits mentioned in Arrangement, and that buildings of certain description were quite indispensable to working in mines. The Governor added that a favourable reception of the Arrangement of 26th April by the Legislature would be seriously affected by these restrictions, and that the Colonial Government were most desirous of co-operating with Her Majesty's Government in settling the matter.

After some further telegraphic communication the Colonial Government explained by telegram that they wished it to be understood that the buildings which should be allowed in harbours not tinted red on the map which accompanied the "Arrangement" of 26th April 1884 should be all constructions necessary for mining operations, such as shelters for mining apparatus and stores for minerals, but not dwellings; which were not to be permitted within the said limits.

Since the date of this telegram negotiations have proceeded with the French Government which I am happy to inform you have resulted in the requirements of the Government of Newfoundland being substantially conceded, although not in such general terms as those desired by the Newfoundland Government.

I now enclose a copy of an Arrangement which was signed at Paris by Sir Clare Ford and Mr. Pennell representing this country, and by Monsieur Jagerschmidt and Admiral Bigrel representing France, on the 14th of November last. This Arrangement supersedes that signed on the 26th of April 1884, which has been cancelled by the instrument of which a copy is annexed.

The stipulations which have been inserted with a view of giving effect to the wishes of the Government of Newfoundland with regard to the erection of constructions necessary for the working of mines on those portions of the coast not tinted red on the map which accompanies the Arrangement, and to the limitation of the number of French guardians, are contained in Articles 3 and 18.

Article 3, in the opinion of Her Majesty's Government, allows all such facilities for the working of mines and for the construction of the necessary wharves, shelters, and storehouses, on those portions of the coast to which that Article refers as can reasonably

Arrangement
14th Nov. 1885,
with Statement
and Map.
Procès Verbal de
Clôture
14 Nov. 1885.

be expected, and as are compatible with the free exercise by the French of their fishery rights in those localities.

Article 18 carries out the views of your Government in regard to the limitation of the number of guardians to be allowed for the guardianship of the French establishments out of the fishing season.

Bearing in mind the restrictions which have hitherto interfered with the development of the mineral and other resources of Newfoundland, the provisions contained in the "Arrangement" cannot but be regarded by your Government as of the greatest value.

The Arrangement now transmitted to you differs from that of the 26th of April 1884 only in the particulars above referred to (except that in Article 20 Article 18 has been included among the exceptions to those Articles applicable to the fishing season only), and the Despatch from my predecessor of the 12th of June 1884 which forwarded that Arrangement deserves again at the hands of your Government a careful study in connexion with the new Arrangement now transmitted to you.

Her Majesty's Government trust that the efforts which have been made in the course of the recent negotiations to arrive at such a settlement of the fishery question as would admit of the development of the resources of the Colony of Newfoundland on those parts of the coast where the French have fishery rights, whilst at the same time in no way curtailing the existing fishery rights of either British or French subjects on those coasts, will be duly appreciated by the Government and Legislature of Newfoundland.

I may state that in the course of the recent negotiations the British Commissioners drew the attention of their French colleagues to the difficulties attending the traffic in spirituous liquors between French fishermen and the inhabitants of Newfoundland; their representations on this subject have resulted in an undertaking being given by the French Commissioners on the part of their Government to the effect that immediately after the ratification of the Arrangement of the 14th November 1885 instructions will be addressed to the Commandant of the Colony of St. Pierre and Miquelon for the prohibition to schooners and boats fitted out there for fishing purposes to ship a greater amount of spirituous liquors than is deemed necessary for the requirements of the crew. The French Commissioners have also declared that after the exchange of the ratifications of the "Arrangement" the Government of the French Republic will not raise any objection to the establishment of a British Consulate at St. Pierre.

I enclose a note verbale which was delivered by the French Commissioners to the British Commissioners relating to these two points at the last meeting of the Commission at Paris.

Your Government will no doubt attach due weight to the importance of these undertakings on the part of the French Government.

I enclose copies of communications which have been addressed to the British Commissioners by the Marquis of Salisbury and by this Department, conveying to them the appreciation of Her Majesty's Government of the services which they have rendered during the course of their negotiations.

You will lay this Despatch before your Ministers with the expression of the strong hope of Her Majesty's Government that the "Arrangement" now concluded will be found acceptable to them as well as to the Legislature of Newfoundland, to whom they will be so good as to submit it at the earliest opportunity, with a view to the necessary laws being passed to enable the Arrangement to come into force at the commencement of the next fishery season.

I have, &c.

(Signed) FRED. STANLEY.

The Officer Administering
the Government of Newfoundland.

Note Verbale,
14th Nov. 1885.

*Lord Salisbury to
B. Crs.

12th Dec. 1885.

†C. O. to B. Crs.
27th Dec. 1885.

* Enclosure 1 in No. 11.

† No. 12.

Enclosure 1 in No. 14.

Arrangement signed at Paris, 14th November 1885, relating to the Newfoundland Fisheries Question.

ARRANGEMENT.

The undersigned Commissioners, who have been appointed by the Governments of Great Britain and France in order to find means, without touching the treaties at present in force, which it is not their duty either to modify or to interpret, of preventing and regulating disputes relative to the exercise of the fishery on the coasts of Newfoundland, have framed in concert the following regulations, subject to the approval of their respective Governments :

ARTICLE 1.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to comply with the following regulations for securing to French fishermen, in execution of the treaties in force, and particularly of the Declaration of 1783, the free exercise of their industry on the coasts of Newfoundland without any interference or obstruction whatever on the part of British subjects.

ARTICLE 2.

The Government of the French Republic engages, on its part, in exchange for the security accorded to French fishermen by the application of the regulations contained in the present arrangement, not to raise any objections against the formation of establishments necessary for the development of every industry other than that of the fisheries on those portions of the coasts of Newfoundland comprised between Cape St. John and Cape Ray which are tinted in red on the map hereto annexed and which do not appear in the statement also annexed describing the portions of the coast to which the present paragraph does not apply.

It engages equally not to disturb the resident British subjects in respect of the establishments actually existing on those parts of the coast comprised between Cape Saint John and Cape Ray passing by the North, but no new ones will be established on those parts of the coast described in the statement mentioned in the preceding paragraph.

ARTICLE 3.

Notwithstanding the prohibition stipulated at the end of the second paragraph

ARRANGEMENT.

Les Commissaires soussignés, délégués par les Gouvernements de Grande Bretagne et de France, à l'effet de rechercher, en dehors des traités actuellement en vigueur qu'ils n'avaient mission ni de modifier ni d'interpréter, les moyens de prévenir et de régler les contestations relatives à l'exercice de la pêche, sur les côtes de Terre Neuve, ont arrêté d'un commun accord, sous réserve de l'approbation de leurs Gouvernements respectifs, les dispositions suivantes :

ARTICLE 1er.

Le Gouvernement de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande s'engage à se conformer aux dispositions ci après pour assurer aux pêcheurs français, en exécution des traités en vigueur et particulièrement de la Déclaration de 1783, le libre exercice de leur industrie, sur les côtes de Terre Neuve sans gêne ou obstacle quelconque de la part des sujets Britanniques.

ARTICLE 2.

Le Gouvernement de la République Française s'engage, de son côté, en échange de la sécurité accordée aux pêcheurs français par l'application des dispositions contenues dans le présent arrangement, à n'élever aucune protestation contre la création des établissements nécessaires au développement de toute industrie autre que celle des pêcheries, sur les parties de la côte de Terre Neuve comprise entre le Cap Saint Jean et le Cap Raye, qui sont teintées en rouge sur la carte ci-annexée et qui ne figurent pas dans l'État, également ci annexé, comprenant les portions de territoire auxquelles ne s'applique point le présent paragraphe.

Il s'engage également à ne pas inquiéter les sujets Anglais résidents, à l'égard des constructions actuellement établies sur le littoral compris entre le Cap Saint Jean et le Cap Raye, en passant par le Nord. Mais il n'en sera point établi de nouvelles sur les parties du littoral comprises dans l'état mentionné au paragraphe précédent.

ARTICLE 3.

Nonobstant l'interdiction stipulée à la fin du second paragraphe de l'article précé-

of the preceding Article, in the case where a mine should be discovered in the vicinity of any one of the parts of the coast comprised in the Statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection to the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fisheries.

With this object a wharf can be constructed on a point of the coast to be specified by common agreement between the Commanders of the cruisers of the two nations.

The constructions necessary for the working of the mine, such as dwelling-houses, workshops, warehouses, &c., shall be erected on that part of the territory situated beyond the limits specified in the annexed Statement for the exercise of the French fisheries. They may be connected with the wharf by one single railroad of one or two lines.

In order to facilitate the operations of loading and unloading, shelters and store-houses may, nevertheless, be constructed on each side of the railroad for the provisional storage of minerals and mining plant on a space not exceeding 15 metres on each side of the railroad, such space to be inclosed by a hedge or some sort of inclosure.

No construction other than the wharf, the railway, and the shelters, and store-houses above mentioned, can, in conformity with the last stipulation of the second paragraph of the preceding Article, be erected on the part of the coast set aside for fishing in the limits fixed in the annexed Statement.

The stipulations of the present Article shall apply equally to the working of a mine within these limits on the condition that it shall have been mutually agreed upon previously by the Commanders of the cruisers of the two nations that the working of the mine shall not be of such a nature as to hinder the free exercise of the French fisheries.

ARTICLE 4.

It is understood that French citizens shall retain in full on all those parts of the coast, comprised between Cape Saint John and Cape Ray, the right as it is defined by treaty of fishing, of drying and curing their fish, &c. as well as of cutting wood in all parts except on enclosed property, necessary for fishing stages, huts, and fishing boats.

dent, dans le cas où une mine serait découverte dans le voisinage d'une des parties du littoral comprises dans l'État annexé au présent Arrangement, le Gouvernement de la République Française s'engage à ne point s'opposer à ce que les intéressés jouissent, pour l'exploitation de la dite mine, des facilités compatibles avec le libre exercice de la pêche Française.

A cet effet un embarcadère (wharf) pourra être établi sur un point de la côte désigné, d'un commun accord, par les Commandants des croiseurs des deux pays.

Les constructions nécessaires à l'exploitation de la mine, telles que maisons d'habitation, ateliers, entrepôts, &c., seront élevées sur la partie du territoire située en dehors des limites fixées dans l'État ci-annexé pour l'exercice de la pêche Française. Elles seront reliées à l'embarcadère par une seule et unique ligne de chemin de fer à une ou deux voies.

Afin de faciliter les opérations de chargement et de déchargement, des abris et des magasins pourront, néanmoins, être construits des deux côtés de la voie ferrée pour le dépôt provisoire du minerai et du matériel de la mine, sur un espace qui ne pourra excéder 15 mètres de chaque côté de la voie, le dit espace devant être entouré d'une haie ou clôture quelconque.

Aucun établissement autre que l'embarcadère, le chemin de fer, ainsi que les abris et magasins susmentionnés, ne pourra, conformément à la disposition finale du second paragraphe de l'article précédent, être créé sur la partie du littoral réservée à la pêche dans les limites fixées dans l'État ci-annexé.

Les dispositions du présent article s'appliqueront également à l'exploitation d'une mine en dedans de ces limites, à la condition qu'il ait été préalablement constaté, d'un commun accord, par les Commandants des croiseurs des deux pays, que l'exploitation de cette mine ne sera pas de nature à entraver le libre exercice de la pêche Française.

ARTICLE 4.

Il est entendu que les français conserveront dans sa plénitude sur toutes les parties de la côte comprise entre le Cap Saint Jean et le Cap Raye et tel qu'il est défini par les Traités, le droit de pêcher, sécher, préparer le poisson, &c., ainsi que celui de couper, partout ailleurs que dans les propriétés closes, le bois nécessaire pour leurs échafaudages, cabanes, et bâtiments de pêche.

ARTICLE 5.

The superintendence and the police of the fisheries shall be exercised by the ships of war of the two countries in accordance with the conditions hereafter set forth, the commanders of these ships having sole authority and competency under these conditions in all matters relating to the fisheries, and the operations which result therefrom.

ARTICLE 6.

English and French fishing ships or boats shall be registered in accordance with the administrative regulations of the country to which they respectively belong, and shall bear distinctive marks in a visible manner, which will allow of their being easily recognised at a distance. The captains, masters, or persons in charge, must have with them documents establishing the nationality of their ships or boats.

ARTICLE 7.

The commanders of cruisers of each nation shall notify mutually to one another any infractions which may be committed by the ships or boats of the other nation, of the regulations set forth in the preceding article.

ARTICLE 8.

The cruisers of the two countries shall have authority to record all infractions of the treaties actually in force, and especially of the Declaration of 1783, according to the terms of which British subjects are not to "interrupt in any manner the fishery of the French by their competition during the temporary exercise of it which is granted to them upon the coasts of Newfoundland."

ARTICLE 9.

On a complaint being made by French fishermen or on a demand being made by them with a view to their being enabled to exercise their right of fishing, the commanders of the English cruisers shall oppose, and, in case of no English cruiser being in sight, the commanders of the French cruisers may oppose every fishing operation of British subjects which may interrupt the industry of such French fishermen; they shall remove the boats or ships causing the obstruction to such industry.

With this object the commanders of French cruisers may address to the offending parties the necessary warnings, and in case of resistance take their fishing implements in order to place them on shore or

ARTICLE 5.

La surveillance et la police de la pêche seront exercées par des bâtiments de la marine militaire des deux pays, dans les conditions ci-après déterminées, les commandants des croiseurs ayant seuls, dans ces conditions, autorité et compétence dans toutes les affaires concernant la pêche et les opérations qui en sont la conséquence.

ARTICLE 6.

Les navires ou bateaux de pêche anglais et français seront enregistrés, suivant les règlements administratifs du pays auquel ils appartiennent et devront porter, d'une manière apparente, des marques distinctives permettant de constater, à distance, leur identité. Les capitaines, maîtres, ou patrons seront porteurs de documents justificatifs de la nationalité de leurs navires ou bateaux.

ARTICLE 7.

Les commandants des croiseurs de chaque nation se signaleront mutuellement les infractions aux règles établies par l'article précédent qui seraient commises par les navires ou bateaux de l'autre nation.

ARTICLE 8.

Les bâtiments croiseurs des deux pays seront compétents pour constater toutes les infractions aux traités actuellement en vigueur et notamment à la Déclaration de 1783, aux termes de laquelle les sujets britanniques n'ont pas le droit de "troubler, en aucune manière, par leur concurrence, la pêche des français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre Neuve."

ARTICLE 9.

Sur la plainte des pêcheurs français ou sur leur demande tendant à pouvoir user de leur droit de pêche, les commandants des bâtiments croiseurs Anglais s'opposeront, et, s'il n'y a aucun croiseur Anglais en vue, les commandants des croiseurs français pourront s'opposer à toute opération de pêche des sujets Britanniques qui gênerait l'industrie des dits pêcheurs français; ils éloigneront les bateaux ou navires qui seraient un obstacle à cette industrie.

A cet effet, les commandants des bâtiments croiseurs français, pourront adresser à la partie en cause les injonctions nécessaires, et prendre, en cas de résistance, les engins de pêche pour les déposer à terre ou

to give them up into the hands of the commanders of Her Britannic Majesty's cruisers.

In cases in which no interruption shall result to French fishermen, and in which neither a complaint nor a demand has been made to enable them to exercise without difficulty their right of fishing, the commanders of French cruisers shall not oppose the fishing operations of British subjects.

ARTICLE 10.

In cases in which residents on shore may interfere with or disturb by their acts the drying and the preparation of fish, and in general the various operations which are a consequence of the exercise of the French fishery on the coast of Newfoundland, a report verifying the damage caused shall be drawn up by the commanders of the cruisers of Her Britannic Majesty and in their absence by the commanders of the French cruisers.

In the latter case the report shall be admitted in evidence in the judicial proceedings to be taken thereon by the commanders of Her Majesty's cruisers in the exercise of their functions as justices of the peace.

ARTICLE 11.

If an offence is committed or damage caused, the commanders of cruisers of the nationality to which the offender belongs, and in their absence, the commanders of the cruisers of the nationality to which the plaintiff belongs, shall estimate the gravity of the facts brought to their knowledge, and shall record the damage sustained by the plaintiff.

They shall draw up, should occasion require it, in accordance with the forms in use in the countries of the two nations respectively, a report as to the verification of the facts such as it may result as well from the declarations of the interested parties as from the evidence taken in the matter.

This report shall be admitted in evidence in the judicial proceedings to be taken thereon so far as their powers extend by the commanders of the cruisers of the nationality to which the offending party belongs.

Should the matter appear to be of sufficient gravity to justify such a step, the commander of the cruiser of the nationality to which the plaintiff belongs, shall have the right if no cruiser of the nationality to

les remettre entre les mains des commandants des croiseurs de sa Majesté Britannique.

Dans le cas où il n'en résulterait aucune gêne pour les pêcheurs français, et où il n'y aurait ni plainte ni demande de leur part tendant à pouvoir user, sans difficulté, de leur droit de pêche, les commandants des croiseurs français ne s'opposeront pas à l'exercice de la pêche par les sujets Britanniques.

ARTICLE 10.

Dans le cas où des résidents gêneraient ou troubleraient à terre, par leurs actes, le séchage et la préparation du poisson et, en général les diverses opérations qui sont la conséquence de l'exercice de la pêche française sur la côte de Terre Neuve, un procès verbal de constatation du dommage causé sera dressé par les commandants des bâtiments croiseurs de Sa Majesté Britannique et, en leur absence, par les commandants des croiseurs français.

Dans ce dernier cas, le procès verbal fera foi, pour la justice à rendre, en leur qualité de Magistrats, par les commandants des croiseurs de Sa Majesté Britannique.

ARTICLE 11.

Si un délit est commis ou un dommage causé, les commandants des bâtiments croiseurs de la nationalité du délinquant et, en leur absence, les commandants des bâtiments croiseurs de la nationalité du plaignant apprécieront la gravité des faits parvenus à leur connaissance et constateront le dommage éprouvé par la partie plaignante.

Ils dresseront, s'il y a lieu, et suivant les formes usitées dans leur pays, procès verbal de la constatation des faits telle qu'elle résultera tant des déclarations des parties intéressées que des témoignages recueillis

Ce procès verbal fera foi, pour la justice à rendre, dans les limites de leur compétence, par les commandants des croiseurs de la nationalité du délinquant.

Si le cas lui semble assez grave pour justifier cette mesure, le commandant du bâtiment croiseur de la nationalité du plaignant aura le droit, s'il n'y a en vue aucun croiseur de la nationalité du délin-

which the offender belongs be in sight, to secure either the person of the offender or his boat in order to give them up into the hands of the commanders of the cruisers of the nationality to which they belong.

ARTICLE 12.

The commanders of British and French cruisers shall administer immediate justice within the limits of their powers, with regard to the complaints brought to their notice either by the interested parties directly or through the commanders of the cruisers of the other nation.

ARTICLE 13.

Resistance to the directions or injunctions of commanders of cruisers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruiser, be considered as resistance to the competent authority for repressing the act complained of.

ARTICLE 14.

When the act alleged is not of a serious character but has nevertheless caused damage, the commanders of cruisers shall be at liberty, should the parties concerned agree to it, to arbitrate between them, and to fix the compensation to be paid.

ARTICLE 15.

The French Government abandons for its subjects the salmon fisheries in rivers, and only reserves a right to the salmon fishery in the sea and at the mouth of rivers up to the point where the water remains salt, but it is forbidden to place fixed barriers capable of impeding interior navigation or the circulation of the fish.

ARTICLE 16.

French fishermen shall be exempt from the payment of any duties on the importation into that part of the Island of Newfoundland comprised between Cape Saint John and Cape Ray, passing by the North, of all articles, goods, provisions, &c., which are necessary for the prosecution of their fishing industry, for their subsistence, and for their temporary establishment on the coast of this British possession.

They shall also be exempt on the same part of the coast from the payment of all light and port dues and other shipping dues.

quant, de s'assurer soit de la personne du dit délinquant, soit de son bateau, pour les remettre entre les mains des commandants des bâtiments croiseurs de leur nationalité.

ARTICLE 12.

Les commandants des bâtiments croiseurs Anglais et Français devront, dans la limite de leur compétence, faire droit, d'urgence, aux plaintes dont ils seront saisis, soit directement par la partie intéressée, soit par l'entremise des commandants des croiseurs de l'autre nation.

ARTICLE 13.

La résistance aux prescriptions ou injonctions des commandants des bâtiments croiseurs chargés de la police de la pêche ou de ceux qui agissent d'après leurs ordres, sera, sans tenir compte de la nationalité du croiseur, considérée comme résistance envers l'autorité compétente pour réprimer le fait incriminé.

ARTICLE 14.

Lorsque le fait incriminé ne sera pas de nature grave, mais que, néanmoins, il aura occasionné des dommages, les commandants des bâtiments croiseurs pourront concilier les intéressés et fixer l'indemnité à payer, s'il y a consentement des parties en cause.

ARTICLE 15.

Le Gouvernement Français renonce, pour ses nationaux, à la pêche du saumon dans les cours d'eau et ne se réserve la pêche de ce poisson qu'en mer et à l'embouchure des rivières jusqu'au point où les eaux sont salées; mais il est interdit d'établir des barrages fixes pouvant empêcher la navigation intérieure ou la circulation du poisson.

ARTICLE 16.

Les pêcheurs français seront exempts de toute taxe pour l'introduction, dans la partie de l'Île de Terre Neuve comprise entre le Cap Saint Jean et le Cap Raye, en passant par le Nord, de tous objets, matières, vivres, &c., nécessaires à leur industrie, à leur subsistance et à leur établissement temporaire sur la côte de cette possession Britannique.

Ils seront également, dans cette même partie de l'Île, affranchis de tout droit de phare, de port ou autre droit de navigation.

ARTICLE 17.

French fishermen shall have the right to purchase bait, both herring and capelin, on shore or at sea, on the shores of Newfoundland, free from all duty or restrictions, subsequent to the 5th of April in each year and up to the close of the fishing season.

ARTICLE 18.

The employment of French subjects in the proportion of one guardian with his family to each harbour is authorized for the guardianship of the French establishments out of the fishing season.

In the large harbours where the temporary fishing-rooms of the French are so distant from each other as to render it impracticable for one guardian to take care of all such establishments, the presence of a second guardian with his family shall be authorized.

ARTICLE 19.

All fishing boats, all their small boats, all rigging, gear, nets, lines, buoys or other fishing implements whatsoever, found or picked up, shall, as soon as possible, be delivered to the competent authorities of the nation of the salvor.

The articles saved shall be restored to the owners thereof or to their representatives by means of the above-mentioned competent authorities, the interest of the salvors being previously guaranteed.

The indemnity to be paid to the salvors shall be fixed in accordance with the law of the respective countries in such matters.

ARTICLE 20.

The provisions of the present arrangement, with the exception of those contained in Articles 1, 2, and 18, shall be applicable solely for the time during which the treaties accord to the French the right of fishing and drying their fish.

In faith of which the undersigned Commissioners have drawn up the present arrangement, subject to the approval of their respective Governments, and have signed the same.

Done at Paris, in duplicate, the 14th of November 1885.

FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

ARTICLE 17.

Les pêcheurs français auront le droit d'acheter la boîte, hareng et capelan, à terre ou à la mer, dans les parages de Terre Neuve, sans droits ni entraves quelconques, postérieurement au cinquième jour d'Avril de chaque année et jusqu'à la fin de la saison de pêche.

ARTICLE 18.

L'emploi de sujets Français, à raison d'un gardien avec sa famille par port (harbour), est autorisé pour la garde des établissements Français en dehors de la saison de pêche.

Dans les ports (harbours) d'une grande étendue où les établissements temporaires des Français seront trop distants l'un de l'autre pour permettre à un seul gardien de surveiller les établissements, la présence d'un second gardien, avec sa famille, sera autorisée.

ARTICLE 19.

Tout bateau de pêche, tout canot, tout objet d'armement ou de grément de bateau de pêche, tout filet, ligne, bouée, ou engin quelconque, qui aura été trouvé ou recueilli, devra, aussitôt que possible, être remis aux autorités compétentes de la nation du sauveteur. Les objets sauvés seront rendus aux propriétaires ou à leurs représentants par les soins des dites autorités compétentes et sous réserve de la garantie préalable des droits de sauveteurs.

L'indemnité à payer aux sauveteurs sera fixée suivant la législation de leur pays.

ARTICLE 20.

Les dispositions du présent arrangement, à l'exception de celles des articles 1, 2, et 18, seront applicables uniquement pendant le temps durant lequel les traités accordent aux français le droit de pêcher et de sécher le poisson.

En foi de quoi, les Commissaires sous-signés ont dressé le présent arrangement, sous réserve de l'approbation de leurs Gouvernements respectifs, et y ont apposé leur signature.

Fait à Paris, en double expédition, le 14 Novembre 1885.

CH. JAGERSCHMIDT.
T. BIGREL.

Enclosure 2 in No. 14.

NEWFOUNDLAND,

COMMISSION DES PÊCHERIES.

FISHERIES COMMISSION, 1884-1885.

DE TERRE NEUVE, 1884-1885.

Statement annexed to the arrangement of the 14th November 1885, respecting the Newfoundland Fisheries, in execution of Article 2 of the said arrangement.

Etat annexé à l'arrangement du 14 Novembre 1885, relatif aux pêcheries de Terre Neuve, en exécution de l'Article 2 dudit arrangement.

WEST SIDE.

CÔTE OUEST.

(From Cape Ray to Cape Norman.)

(Du Cap Raye au Cap Normand.)

1. Cod Roy Island. On the main land opposite, that portion of the coast situated between the two perpendicular lines drawn from the extremities of the island in the general direction of the coast ;

1. L'Ile de Cod Roy. Sur la grande terre qui fait face, la partie de la côte comprise entre les deux perpendiculaires menées des extrémités de l'Ile sur la direction générale de la côte ;

2. Red Island ;

2. L'Ile Rouge ;

3. That portion of the coast situated between Cape Cormoran and the west point of Pic Denis Harbour in the Bay of Port à Port on the west ;

3. La partie de la côte comprise entre le Cap Cormoran et la pointe ouest du Hâvre du Pic Denis dans la baie de l'ouest de Port à Port ;

4. The small islands situated in the Bay of Port à Port, together with those which close it on the north ;

4. Les îlots situés dans la baie de Port à Port, ainsi que ceux qui la ferment au nord ;

5. That portion of the coast situated between Bear Cove (L'Anse à l'Ours) and the foot of the mountain Blow-me-down ;

5. La partie de la côte comprise entre l'Anse à l'Ours (Bear Cove) et le pied de la montagne Blow-me-down ;

6. Governor's Island, the islands of Guernsey, Tweed, the two Shags, the Pearl, and Green Island ;

6. L'Ile du Gouverneur, les Iles de Guernesey, Tweed, les deux Shag, la Perle et l'Ile Verte ;

7. That portion of the coast which borders the Harbour des Roches ;

7. La partie de la côte autour du Hâvre des Roches ;

8. Stearing Island and the adjacent coast from the latitude of the northern point of Stearing Island to the foot of a perpendicular line drawn down from Cape Pointu on the coast, following the sinuosities of the peninsula of Cow Head (La Tête de Vache) ;

8. L'Ile Stearing et la côte adjacente, depuis la latitude de la pointe nord de l'Ile Stearing jusqu'au pied de la perpendiculaire abaissée du Cap Pointu sur la côte, en contournant la presqu'île de la Tête de Vache ;

9. That portion of the coast comprised between a point situated at a distance of three miles to the south of the mouth of the River Ponds and the latitude of the northern part of Savage Island following the sinuosities of the peninsula of Port au Choix ;

9. La partie de la côte comprise entre un point situé à trois milles au sud de l'embouchure de la rivière Ponds et la latitude de la partie nord de l'Ile des Sauvages, en contournant la presqu'île de Port au Choix ;

10. All those islands situated within the Bay of St. John ;

10. Toutes les îles situées dans la baie de Saint Jean ;

11. That portion of the coast situated between Castor Point (at the southern entrance of the bay) and the northern point of the entrance of Savage Cove (Anse aux Sauvages);

12. All those islands situated along that portion of the coast mentioned in the preceding paragraph (No. 11).

EAST SIDE.

(From Cape Norman to Cape St. John.)

1. That portion of the coast situated between the extremity of Shallow Bay and the foot of the hill on which the lighthouse is placed, as well as all those islands which border the west side of Pistolet Bay;

2. That portion of the coast situated between the mouth of Parker River in Pistolet Bay and Partridge Point, inclusive of the island of Quirpon and all the islands adjacent;

3. The entire circumference of the bays and of the shores situated between the northern entrance of Griquets Bay and the west point of the entrance of Outardes Harbour;

4. Those islands adjacent to that portion of the coast;

5. That portion of the coast situated between the west point of the entrance of Maiden Arm (Hâvre de la Tête de Mort) and a point situated to the south of Conche according to the latitude of the Point des Renards;

6. The group of Islands Fichot, St. Juliens, the southern part of Belle Isle south, up to the parallel of the southern point of Green Island, and all the little islands adjacent to the portion of coast described in paragraph No. 5;

7. The circumference of Boutitou Harbour;

8. That portion of the coast commencing from Aiguillette Point turning round the Bras de Bides as far as the western entrance of the Bras de Bides, inclusive of the islands adjacent;

9. That portion of the coast commencing from the west entrance of Canary Gulf, and, following the coast, terminating at the southern entrance of Hooping Harbour;

11. La partie de la côte comprise entre la pointe des Castors (entrée sud de la baie) et la pointe nord de l'entrée de l'Anse aux Sauvages;

12. Toutes les îles qui se trouvent le long de la portion de côte mentionnée au paragraphe 11.

CÔTE EST.

(Du Cap Normand au Cap St. Jean.)

1. La partie de la côte comprise entre le fond de la baie Shallow et le pied de la colline sur laquelle le phare est élevé, ainsi que toutes les îles qui bordent à l'ouest la Baie du Pistolet;

2. La partie de la côte comprise entre l'embouchure de la rivière Parker, dans la Baie du Pistolet, et la pointe Partridge, en comprenant l'île du Kirpon et toutes les îles adjacentes;

3. Tout le contour des baies et des plages comprises entre l'entrée nord de la Baie des Griquets et la pointe ouest de l'entrée du Hâvre aux Outardes;

4. Les îles adjacentes à cette portion de côte;

5. La partie de la côte comprise entre la pointe ouest de l'entrée du Hâvre de la Tête de Mort (Maiden Arm) et le point situé au sud de la Conche par la latitude de la pointe des Renards;

6. Le groupe des îles Fichot, St. Juliens, la partie méridionale de Belle-Île du Sud jusqu'au parallèle de la pointe sud de l'île Verte, et tous les îlots adjacents à la portion de côte délimitée au paragraphe 5;

7. Le périmètre du Hâvre de Boutitou;

8. La partie de la côte partant de la pointe de l'Aiguillette, contournant le Bras de Bides, jusqu'à l'entrée ouest dudit Bras et comprenant toutes les îles adjacentes;

9. La partie de la côte commençant à l'entrée ouest du Gouffre des Canaries, et venant, en suivant la côte, se terminer à l'entrée sud de la Baie sans Fond (Hooping Harbour);

10. That portion of the coast following the sinuosities of the following bays—Fourché, Orange, Great and Little Calves;

11. That portion of the coast situated between Cape Partridge and the parallel of the southern point of the group of islands of Pot d'Etain (Coachman's Cove);

12. That portion of the coast situated on the east side of the Bay of Pines, and stretching from the 50th degree of latitude to the north point of that part of the bay;

13. Those small islands situated on the coast between the harbour of Fleur de Lys and Cape St. John, with the exception of Horse Islands (Les Isles St. Barbe);

14. That portion of the coast following the sinuosities of Paquet Harbour;

15. That portion of the coast situated between Cape Cagnet on the west and the east entrance of the Harbour of Scie.

10. La partie de la côte suivant les sinuosités de chacune des baies—Fourché, Orange, Grandes et Petites Vaches;

11. La partie de la côte comprise entre le cap Partridge et le parallèle de la pointe sud du groupe des Iles du Pot d'Etain (Coachman's Cove);

12. La partie de la côte est de la Baie des Pins, s'étendant de la latitude de 50° jusqu'à l'extrémité nord de cette partie de la baie;

13. Les îlots adjacents à la côte, du Hâvre de la Fleur de Lys au Cap Saint Jean, non compris les Iles Sainte Barbe;

14. La partie de la côte contournant le Hâvre de Paquet;

15. La partie de la côte comprise entre le Cap Cagnet à l'ouest et l'entrée est du Hâvre de la Scie.

The prohibition to erect new establishments on those portions of the coast mentioned in the present statement shall be applicable to a distance inland of 500 yards with regard to paragraphs numbered 7, 8, and 9 on the west coast, and to a distance of 800 yards with regard to all the other paragraphs, following the sinuosities of the coast.

It is understood that the distances of 500 and 800 yards are to be reckoned from high-water mark.

Done at Paris, in duplicate, the 14th of November 1885.

FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

L'interdiction d'élever des constructions nouvelles sur les parties de la côte mentionnées au présent Etat s'appliquera sur une profondeur de 500 yards pour les Nos. 7, 8, et 9 de la côte ouest, et sur une profondeur de 800 yards pour tous les autres paragraphes, en suivant les sinuosités de la côte.

Il est entendu que les distances de 500 et de 800 yards sont comptées à partir de la limite de la pleine mer.

Fait à Paris, en double expédition, le 14 Novembre 1885.

CH. JAGERSCHMIDT.
T. BIGREL.

Enclosure 3 in No. 14. Map.

Enclosure 4 in No. 14.

NEWFOUNDLAND FISHERIES
COMMISSION.COMMISSION DES PÊCHERIES DE
TERRE NEUVE.

PROCÈS-VERBAL DE CLÔTURE.

PROCÈS-VERBAL DE CLÔTURE.

On proceeding to sign the Arrangement dated this day, relative to the question of the Newfoundland Fisheries, the undersigned Commissioners of Great Britain and France declare that the object of the said Arrangement is to replace the one which was signed by the same Commissioners on the 26th of April 1884, and which shall consequently be considered as null and void.

In faith of which the undersigned Commissioners have prepared the present procès-verbal de clôture, and have affixed their signature thereto.

Done in duplicate, at Paris, the 14th of November 1885.

(Signed) FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

Au moment de procéder à la signature de l'arrangement en date de ce jour relatif à la question des Pêcheries de Terre-Neuve, les Commissaires soussignés des Gouvernements de Grande Bretagne et de France, déclarent que le dit arrangement a pour objet de remplacer celui qui a été signé par les mêmes Commissaires le 26 Avril 1884 et qui doit, en conséquence, être considéré comme nul et non avenu.

En foi de quoi les Commissaires soussignés ont dressé le présent procès-verbal de clôture et y ont apposé leur signature.

Fait en double exemplaire à Paris le 14 Novembre 1885.

(Signé) CH. JAGERSCHMIDT.
T. BIGREL.

Enclosure 5 in No. 14.

COMMISSION DES PÊCHERIES DE TERRE NEUVE.

1884-85.

NOTE VERBALE.

LES Délégués Anglais à la Commission des Pêcheries de Terre Neuve ayant, au cours de la séance du 9 Décembre 1884, signalé à leurs Collègues les inconvénients de diverse nature qui résultent du trafic des spiritueux auquel les pêcheurs Français se livrent sur les côtes de l'Île de Terre Neuve, les Délégués Français ont appelé sur cet état de choses l'attention de leur Gouvernement.

M. le Ministre de la Marine s'est montré disposé à prendre les mesures nécessaires pour mettre un terme à ce trafic. Il a pensé qu'il suffirait, à cet effet, d'interdire, par voie d'instructions émanant de son Département aux goëlettes et bateaux armés à St. Pierre, en vue de la pêche, d'embarquer une quantité de spiritueux supérieure à celle qui serait reconnue nécessaire pour les besoins de l'équipage.

Les Délégués Français ont, en conséquence, été autorisés par leur Gouvernement à déclarer que des instructions dans ce sens seront adressées au Commandant de la Colonie de St. Pierre et Miquelon, immédiatement après la ratification par le Gouvernement de Sa Majesté Britannique de l'arrangement signé à la date de ce jour pour le règlement de la question des Pêcheries de Terre Neuve.

D'autre part, et sur la demande qui leur en a été faite par les Délégués Anglais, ils ont également été autorisés à déclarer qu'après l'échange des ratifications sur ledit arrangement, le Gouvernement de la République Française n'élèvera aucune objection contre la création d'un Consulat Britannique à St. Pierre.

Paris, le 14 Novembre 1885.

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For Her Majesty's Stationery Office.

C A N A D A .

CORRESPONDENCE

RESPECTING THE

C A N A D I A N T A R I F F .

Presented to both Houses of Parliament by Command of Her Majesty.
August 1887.



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1887.

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Serial No.	From or to whom.	Date.	Subject.	Page.
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CANADA.

CORRESPONDENCE

RESPECTING THE

CANADIAN TARIFF.

No. 1.*

THE LIVERPOOL CHAMBER OF COMMERCE to COLONIAL OFFICE.

The Incorporated Chamber of Commerce of Liverpool,
Liverpool, May 18, 1887.

SIR, By direction of the Iron and General Metal Trades Section of this Chamber, I wired you at noon to-day, asking whether you could make it convenient to receive a deputation from the section on Friday next at noon, on the subject of the increase of duties on iron and steel manufactures imported into Canada.

Awaiting your reply,

I am, &c.
(Signed) THOMAS H. BARKER,
Secretary.

Right Hon. Sir H. T. Holland, Bart.,
Secretary of State for the Colonies,
London.

Enclosure in No. 1.

TELEGRAM from the LIVERPOOL CHAMBER OF COMMERCE to SIR H. T. HOLLAND.

May 18.—Can you kindly arrange to receive a deputation from the Iron Trade Section of this Chamber on Friday at noon, respecting increase of duties on imports into Canada Secretary Chamber of Commerce Liverpool; reply.

No. 2.

COLONIAL OFFICE to the LIVERPOOL CHAMBER OF COMMERCE.

TELEGRAPHIC.

19th May 1887.—Your telegram and letter of yesterday. Will forward to Canadian Government any representations you wish to make respecting increase of duties on imports, but see no advantage in receiving deputation.

No. 3.

THE LIVERPOOL CHAMBER OF COMMERCE to COLONIAL OFFICE.

Iron and General Metal Trades Section of the Incorporated
Chamber of Commerce of Liverpool,
Liverpool, May 19, 1887.

SIR, I AM in receipt of your telegram of to-day,† kindly offering to forward to the Canadian Government any representations which the Iron Trade Section of this Chamber

* Copy sent to Governor-General of Canada in covering Despatch dated May 21, 1887.

† No. 2.

may have to make on the subject of the increase of duties on imports into Canada, but stating that you see no advantage in receiving the Deputation.

I am directed to thank you for your kind offer, but to say that the Iron Trade Section are still very desirous that the Deputation appointed should wait upon you, and would esteem it a favour if you could receive them on an early date, as the matter is very urgent.

I am further directed to hand you copy of resolution passed unanimously at yesterday's meeting, viz. :—

“That the members of the Iron and General Metal Trades Section of the Incorporated Chamber of Commerce of Liverpool, having heard with astonishment of the proposed increase in the Canadian tariff, beg to call the attention of Her Majesty's Government to the fact that if this proposal becomes law it will probably lead to the exclusion of British iron and steel manufactures from that market and to serious injury to the trade of this country.”

I am, &c.
(Signed) THOMAS H. BARKER,
Secretary.

The Right Hon. Sir H. T. Holland, Bart., G.C.M.G.,
Secretary of State for the Colonies, London.

No. 4.*

THE BIRMINGHAM CHAMBER OF COMMERCE to COLONIAL OFFICE.
(Received May 20, 1887.)

Birmingham Chamber of Commerce,
Exchange, New Street.
Undated.

SIR,

I AM instructed by the Chairman of this Chamber to inform you that, at a meeting of the council held to-day, they considered a paragraph which appeared in the “Times” newspaper of Saturday last, intimating that the Canadian Government were about to enforce very high rates of import duty on iron and steel. I am further instructed to direct your attention to this matter, and to inquire if any action could be taken by Her Majesty's Government with a view to modify the prohibitive duties proposed.

I am, &c.
(Signed) W. F. HAYDON,
Secretary.

Sir Henry Holland, Bart.,
Secretary of State for the Colonies,
Colonial Office, London.

No. 5.

COLONIAL OFFICE to the LIVERPOOL CHAMBER OF COMMERCE.

SIR,

Downing Street, May 20, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter and telegram of the 18th inst.,† requesting him to receive a deputation from the Liverpool Chamber of Commerce on the subject of the proposed increase in the duties on iron and steel manufactures imported into Canada.

Sir H. Holland telegraphed to you yesterday in reply, to the effect that he would forward to the Canadian Government any representations you might wish to make respecting the proposed increase of duties on imports, but that he saw no advantage in receiving a deputation.

Sir H. Holland desires me to refer you to the answer given by the First Lord of the Treasury on this subject in the House of Commons yesterday, and to suggest that the

* Copy sent to Governor-General of Canada in covering Despatch dated May 21, 1887.

† No. 1.

Liverpool Chamber of Commerce should address any communication on the subject to the Colonial Government direct.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

To the Secretary to the Liverpool Chamber
of Commerce.

No. 6.

COLONIAL OFFICE to the BIRMINGHAM CHAMBER OF
COMMERCE.

SIR,

Downing Street, May 21, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter* (undated) calling attention to the reported intention of the Government of Canada to increase the import duties on iron and steel manufactures, and inquiring whether Her Majesty's Government could take any action in the matter.

In reply I am to refer you to the answer given by the First Lord of the Treasury on this subject in the House of Commons on the 19th instant, and to suggest that the Birmingham Chamber of Commerce should address any communication on the subject to the Colonial Government direct.

The Secretary to the Birmingham
Chamber of Commerce.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 7.

BRITISH IRON TRADE ASSOCIATION.

MEMORANDA as to the PROPOSED INCREASE of CANADIAN TARIFF DUTIES (given to the Secretary of State for the Colonies by Deputation in the House of Commons on the 22nd of May.)

1. A proposal is now pending to increase the rates of duty paid on iron and steel imported into Canada as follows:—

Pig iron from 8s. 4d. to 16s. 8d. per ton, or 100 per cent.

Puddled bars from 8s. 6d. to 37s. 8d. per ton, or 350 per cent.

Bar iron from 17s. 6d. to 45s. 10d. per ton, or 155 per cent.

2. This increase is so enormous that it is manifestly designed for protection, and not for purely revenue purposes.

3. In so far as any increase of duty on manufactures imported into Canada is protective and prohibitory it must be so almost exclusively as against England, whence Canada receives by far the largest proportion of her imports of this description.

4. The proposal to increase the duties on iron and steel to the extent indicated, if carried into effect, must operate very detrimentally as against both Canada and England. Against Canada, because it would create an artificially high range of prices for one of the most necessary of all commodities; and as it would thereby entail the payment of higher charges for the metals chiefly employed in the construction of railways, gas and water works, bridges, and other structures, the material progress of the country would be impeded; against England, because Canada is now, and has for many years been, one of our principal markets, exclusion from which would be certain to withdraw a large part of our trade, and to intensify the existing depression and distress.

5. The exports of iron and steel from this country to Canada during the last three years have been as under:—

1884	-	-	-	-	162,542 tons.
1885	-	-	-	-	170,679 „
1886	-	-	-	-	228,039 „

6. The value of the exports in 1886 may be roughly taken at about a million sterling. This sum, expended by Canada in the mother country in respect of material progress,

* No. 4.

has been applied for the most part in the payment of labour in one or other of the many forms which it assumes between the raw material and the finished commercial products of our mills and forges. Obviously, therefore, if our Canadian trade were to be lost to us, the loss would at once affect the working classes, who are already so greatly reduced by the depression of the iron and steel industries.

7. There are high economic and State reasons why the Government should endeavour to interfere, if possible, in order to avert this.

The number of workmen employed in our iron and steel works has been largely reduced within recent years. It is calculated that in our finished iron trade alone, the number of operatives at the present time is about 40,000 less than it was a few years ago. Much of our most skilled labour has consequently migrated to the United States and other countries where their knowledge and skill were employed against home industry, instead of on its behalf. The unemployed labour that remains with us is either largely drawn into other industries, or is thrown upon the community, causing both those who support and those who are supported, to desire and to agitate that the existing and economic conditions may be altered. The probability is that if the present unsatisfactory state of things is much longer continued, a large part of our best skilled labour will be permanently lost to us, and what has heretofore been our chief indigenous industry will dwindle and decay.

8. There would appear to be other high reasons of State why the Imperial Government should make a great effort to arrest this movement. Canada has been, like many other colonies of the British Crown, a costly possession for England. We have maintained a navy which has cost us, during the last 15 years, for ships alone, upwards of 57,000,000 sterling. We have incurred enormous responsibilities for the same end, and the recent fishery dispute with the United States showed how great and imminent was the chance that we might at any time be called upon to meet them. British capital has, moreover, done a great deal to help Canada to construct her railway system, without, as yet, having received any equivalent. To now shut out English manufactures, as it is proposed to do, would be to take the surest possible means of alienating both the affections and the interests of the two countries, and would probably bring about, as an ultimate result, a complete political severance which could be good for neither.

9. The Canadian iron industry is not as yet developed to any material extent. There are scarcely any indigenous resources provided for meeting the most pressing wants of the country in iron and steel. The effect of imposing the proposed new duties would certainly be to induce an unnatural, and therefore unhealthy, development of new enterprises on Canadian soil, probably in localities quite unsuited for the iron manufacture, and if the supply of the requirements of the Dominion were limited to such works, the probable effect would be, not only an enormous increase of price to the consumer, but the production of very inferior and inadequate materials; while the only parties to be benefited would be a few capitalist adventurers, whose fortunes and whose prospects would be improved at the expense of the great mass of the populations, alike of the mother country and the Dominion.

10. The future, as well as the past, of the Dominion must be mainly dependent on agriculture. The agricultural community is not only interested in getting implements, railways, and other things into which iron and steel enter largely at the lowest possible rate, but they are also immensely interested in securing an outlet for their surplus produce. As it is at present, that produce is being imported into Great Britain in increasing quantities. The progress is, however, but slow, and the statistics which illustrate it clearly prove that Canadian wheat and flour do not easily compete with that which we import from the United States, India, and other countries. Canadian competition has hitherto been greatly aided by the fact that vessels which enter the Dominion ports with remunerative freights of iron and steel wares, can afford to bring back grain cargoes at low rates. But if, by the imposition of a prohibitory tariff, the exports of iron and steel to Canada should be seriously reduced, such a result must re-act most unfavourably upon Canadian agriculture, by compelling the payment of much higher freights for grain cargoes, and to that extent disabling Canadian wheat growers from successfully engaging in the race for supremacy in the markets of Great Britain.

11. To illustrate this latter argument, it may be sufficient to observe that our exports of iron and steel to Canada in 1886, and our imports of wheat and flour therefrom, almost balanced each other in weight. Presumably, therefore, there were pretty fully and fairly remunerative freights both ways. But if there were to be freights one way only, the trade in the importation of Canadian breadstuffs would almost certainly cease,

at present rates, since the trade is worked upon a very narrow margin, and a difference of only 5s. per ton would be likely to exclude Canada from it altogether.

12. The present movement for the adoption of a prohibitory tariff is avowedly promoted, if not solely initiated and carried on by a few interested firms who desire to engage in the iron industry. These firms are better able to do the business of "lobbying" than the agricultural interest, which is widely scattered, and but little capable of cohesion and united action. But the Imperial Government may surely fitly point out to the Canadian that the agricultural interest would suffer by this step, and that it should therefore be discouraged in every possible way.

13. The value of the wheat and flour imported into this country from the Dominion is officially returned at over a million and a half sterling for the year 1886. It is not only conceivable, but probable, that if the import of English iron and steel were stopped, the export of wheat and flour would stop also, and the loss from this source would be about 7s. 6d. per head for every inhabitant of the Dominion. If we take the annual consumption of iron and steel in Canada at 350,000 tons, the effect of increasing the import duties in the way proposed would be likely to increase the cost of this supply according to the increase of duty, but in the main by probably not less than 1% per ton, which would mean a total loss to the agricultural interest of nearly, if not quite, 2,000,000 sterling.

No. 8.

THE BIRMINGHAM CHAMBER OF COMMERCE to COLONIAL OFFICE.

Birmingham Chamber of Commerce,
Exchange, New Street,
May 23, 1887.

SIR,

I BEG to acknowledge the receipt of your letter of the 21st instant,* for which I am obliged. The same shall be laid before the Council at their next meeting.

I am, &c.

(Signed) W. F. HAYDON,
Secretary.

John Bramston, Esq.

No. 9.

The HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

9, Victoria Chambers, London, S.W.,
May 24, 1887.

DEAR SIR ROBERT,

I SEE that a deputation waited upon Sir Henry Holland last night about the iron duties in Canada, but that the proceedings were not public. I therefore write to ask if anything took place that I could usefully telegraph to Sir Charles Tupper.

I have received a telegram on the subject, a copy of which I enclose for Sir Henry's information. I cabled on Saturday to Sir Charles that one of the principal complaints, apart from the increased duties, was the suddenness of the alterations, and the reported immediate enforcement of the higher rates. I asked if it would not be possible to exempt pre-existing contracts for a time, and the enclosed is the answer sent to me.

Believe me, &c.

Sir Robert G. W. Herbert.

(Signed) J. G. COLMER.

Enclosure in No. 9.

Sir CHARLES TUPPER to Mr. COLMER.

CABLEGRAM.

May 23, 1887.

MINISTER of Customs states order issued declaring that all goods actually contracted for, ordered, and sold prior to the 12th instant to be delivered duty paid on arrival in Canada, or actually sold to be delivered duty paid ex warehouse, but not actually delivered prior to that date, may be entered at old rates of duty on production of satisfactory evidence to that effect, not, however, to include goods to replace any delivered out of duty-paid stock. This concession to terminate 30th June proximo.

* No. 6.

No. 10.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, May 25, 1887.

I HAVE the honour to transmit to you, for communication to your Ministers, with reference to my Despatch, of the 21st instant,* a copy of a further letter from the Liverpool Chamber of Commerce,† urging me to receive a deputation from the Iron Trade Section of the Chamber on the subject of the proposed increase in the Canadian import duties on iron.

The Deputation referred to waited upon me on the 22nd instant, and furnished me with the accompanying memorandum‡ setting forth the grounds of their objection to the proposed increase on these duties.

They desired me to forward these reasons for the consideration of your Ministers, and to inform them of the strong feeling entertained by the chambers of commerce and by the iron and shipping trades in this country, that the proposed measure will cause grave dissatisfaction here, and tend materially to injure the trades mentioned.

I have, &c.

The Marquis of Lansdowne.

(Signed) H. T. HOLLAND.

No. 11.

COLONIAL OFFICE to the LIVERPOOL AND BIRMINGHAM CHAMBERS OF COMMERCE.

SIR,

Downing Street, May 27, 1887.

WITH reference to the letter from this Department of the ^{20th}/_{21st} inst.,§ I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the { Liverpool Chamber of Commerce, } a copy of a telegram|| from the { Birmingham Chamber of Commerce, } Canadian Minister of Finance to the Secretary to the High Commissioner, on the subject of the proposed increase in the import duties on iron.

I am, &c.

The Secretary to the—

(Signed) JOHN BRAMSTON.

(1) Liverpool Chamber of Commerce.

(2) Birmingham Chamber of Commerce.

No. 12.

COLONIAL OFFICE to the HIGH COMMISSIONER FOR CANADA.

SIR,

Downing Street, May 28, 1887.

IN reply to Mr. Colmer's letter of the 24th instant,¶ I am directed by Secretary Sir H. Holland to acquaint you that the Deputation on the proposed increase in the Canadian import duties on iron, which waited upon him on the 22nd instant, included leading representatives of iron and shipping trades.

They argued strongly against the proposed duties, and begged the Secretary of State to inform the Canadian Government of the strong feeling entertained by the Chambers of Commerce and the iron and shipping trades, that the proposed measure will cause grave dissatisfaction here, and tend materially to injure the two last-mentioned trades.

* See footnote to Nos. 1 and 4.

† No. 3.

‡ No. 7.

§ Nos. 5 and 6.

|| Enclosure in No. 9.

¶ No. 9.

I am to enclose, for your information, copy of a memorandum left with Sir H. Holland* by the Deputation setting forth their reasons against the contemplated change.

The High Commissioner
for Canada.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 13.

ASSOCIATION OF CHAMBERS OF COMMERCE OF THE UNITED
KINGDOM to COLONIAL OFFICE.

Association of Chambers of Commerce of the United Kingdom,
1, Great College Street, Westminster, S.W.,

SIR,

June 2, 1887.

I BEG to enclose a memorial from the Warrington Chamber of Commerce respecting the recent enormous increase in the Canadian iron duties. Although it is from the Warrington Chamber only, it represents a great body of opinion, and it seems a most unfortunate moment for such an addition to have been made, as it throws doubt upon those feelings of affection for the Mother Country which have been so recently expressed. The reasons which may have induced Canada thus to act may be powerful and conclusive, but they have not been made public. If they are adequate it would allay much dissatisfaction if they were fully and distinctly stated. Any communication of the kind I shall be glad to lay before our Chambers.

I have, &c.
(Signed) JAMES HOLE.

The Right Hon. Sir H. T. Holland, Bart., M.P.

Enclosure in No. 13.

Unto the Right Hon. Sir H. T. HOLLAND, Bart., M.P., Colonial Office, Whitehall, S.W.

The MEMORIAL of the WARRINGTON CHAMBER OF COMMERCE.

HUMBLY SHEWETH,

THAT, in the opinion of this Chamber, it is most important for the welfare of both countries that commercial intercourse between Great Britain and Canada should be promoted by every available means:

That the Chamber has heard with great regret that the Government of Canada is proposing to place import duties of a prohibitive character upon British iron and steel, the effect of which would be to diminish the sale of Canadian produce in Great Britain by increasing its cost, and at the same time would seriously injure some branches of British trade, and throw many British workmen out of employment:

That these results would certainly create great dissatisfaction amongst workmen generally, and would also strike a heavy blow at those federal principles which it is sought to encourage, and which are calculated to produce great benefits to both countries.

(Signed) JOHN FAIRCLOUGH,
President.

(Signed) FRANK A. ROBERTS,
Vice-President.

(Signed) J. L. TUNSTALL,
Joint Hon. Secretary.

Warrington, 1st June 1887.

No. 14.

THE LEEDS INCORPORATED CHAMBER OF COMMERCE to
COLONIAL OFFICE.

Incorporated Chamber of Commerce,
16, Park Row, Leeds,
June 4, 1887.

SIR,

I AM instructed by my Council to ask if you can inform me of the changes which are proposed to be made by the Canadian Government in the duties on iron and steel imported into that country, and also whether the duties on cloth or other goods are proposed to be raised.

I am, &c.
(Signed)

RHODES K. CALVERT,
Secretary.

The Right Hon. Sir H. T. Holland, Bart., M.P.,
Colonial Office.

No. 15.

THE ASSOCIATION OF CHAMBERS OF COMMERCE OF THE UNITED
KINGDOM to COLONIAL OFFICE.

Association of Chambers of Commerce of the United Kingdom,
1, Great College Street, Westminster, S.W.
June 8, 1887.

SIR,

CANADIAN DUTIES.

I BEG to enclose a resolution from the Wigan and District Chamber of Commerce on the above subject.

The Right Hon. Sir H. T. Holland, Bt., M.P.

I have, &c.
(Signed) JAMES HOLE.

Enclosure in No. 15.

RESOLUTION OF "THE WIGAN AND DISTRICT CHAMBER OF COMMERCE."

That, in the opinion of this Chamber, the policy of the Canadian Government in putting prohibitive duties upon the import of British iron and steel, is calculated to operate injuriously upon the trade both of Great Britain and Canada, and to create a large amount of dissatisfaction.

That many millions of British capital have been invested in Canadian railways, which will be prejudicially affected by the increased cost of maintenance which this duty will entail upon them.

June 6, 1887.

(Signed) W. SCOTT BARRETT,
Vice-Chairman.
(Signed) GEO. J. HEALY,
Secretary.

No. 16.

THE BOLTON AND DISTRICT INCORPORATED CHAMBER OF
COMMERCE to COLONIAL OFFICE.

The Bolton and District Incorporated Chamber of Commerce,
11, Chancery Lane, Bolton,
June 10, 1887.

SIR,

HEREWITH I send you a memorial from this Chamber, in respect to the new Canadian tariff.

It is felt most strongly here that the trade in the district will suffer greatly unless the tariff is revised.

Yours, &c.
 The Right Hon. E. Stanhope, (Signed) FRED. W. BRISCOE,
 Secretary of State for the Colonies, Secretary.
 London.

Enclosure in No. 16.

To the Right Honourable EDWARD STANHOPE, Secretary of State for the Colonies, the
 Humble MEMORIAL of the BOLTON AND DISTRICT INCORPORATED CHAMBER OF
 COMMERCE.

THE NEW CANADIAN TARIFF CHARGES.

THIS Chamber is of opinion that the policy of the Canadian Government, as exhibited in their new tariff charges, in placing prohibitive duties upon the import of iron and other goods, in which this district is so largely interested, is calculated to operate injuriously upon the trade, both of Great Britain and of Canada, and also cause a great amount of dissatisfaction amongst the working classes. If the tariff is maintained it will prejudicially affect, and almost entirely destroy, a large amount of trade that has hitherto been carried on between this country and Canada.

This Chamber would therefore most strongly urge upon the Colonial Secretary the desirability of using his influence in obtaining a revision of the new Canadian tariff charges.

On behalf of the Chamber,
 (Signed) JOSEPH MUSGRAVE,
 President.
 (Signed) FRED. W. BRISCOE,
 Secretary.

June 1887.

No. 17.

THE NORTH STAFFORDSHIRE CHAMBER OF COMMERCE to
 COLONIAL OFFICE.

The North Staffordshire Chamber of Commerce,
 Town Hall, Hanley,
 June 13, 1887.

SIR,

I AM instructed by the Council of this Chamber to forward you two memorials with relation to the proposed Canadian tariff on iron and steel imported into Canada. You will observe that one memorial is addressed to you, and the other to the Government of the Dominion of Canada. This Chamber will be much obliged by your kindly giving the former every consideration in your power, and forwarding the latter to the proper quarter, so that it may obtain due consideration by the Government of the Dominion of Canada.

I am, &c.
 (Signed) ARTHUR P. LLEWELLYN.
 The Right Hon. Sir H. T. Holland, Bart., M.P.,
 Colonial Office.

Enclosure in No. 17.

To the Right Hon. Sir H. T. HOLLAND, Bart., M.P., Colonial Office, Whitehall, S.W.

The MEMORIAL of the NORTH STAFFORDSHIRE CHAMBER OF COMMERCE humbly sheweth,

That in the opinion of this Chamber it is of the utmost importance, and for the benefit of both Great Britain and Canada, that the commercial intercourse between these two countries, which has hitherto been of the most friendly character, should be increased rather than diminished.

That the proposed increase of duty on imports into the Canadian Dominion on iron and steel is of so prohibitive and protective a nature that, if carried out, this Chamber is convinced it must detrimentally affect both Canada and Great Britain, and would in all probability alienate the sympathies and good feeling which one country has for the other. At the same time it is considered that, instead of benefiting Canada, the increased tariff would, in the end, very materially impede its progress.

That the benefits which might accrue to a few interested firms in the Dominion of Canada, would be far out-balanced by the effect which the tariff, as now proposed, would probably have on the export trade of Canada with England.

That this Chamber considers that if the Government of the Dominion of Canada persists in increasing the said duties, it should, in justice to Great Britain, make a differential rate in her favour.

As it is estimated that nearly 45 per cent. of the puddled, bar, and finished iron imported into Canada is from the district of your petitioners, they consider that they are entitled to claim your special consideration for their memorial.

And your petitioners will ever pray, &c.

No. 18.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, June 14, 1887.

I HAVE the honour to transmit to you, for communication to your Government, a copy of a letter* from the Association of Chambers of Commerce of the United Kingdom, forwarding a memorial from the Warrington Chamber on the subject of the proposed increase in the import duties on iron in Canada.

I have, &c.

The Marquis of Lansdowne.

(Signed) H. T. HOLLAND.

No. 19.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, June 14, 1887.

I HAVE the honour herewith to transmit to you, for communication to your Ministers, copy of a resolution† passed by the Wigan Chamber of Commerce on the subject of the proposals of your Government with regard to the import duties on iron and steel manufactures.

I have, &c.

The Marquis of Lansdowne.

(Signed) H. T. HOLLAND.

* No. 13.

† Enclosure in No. 15.

11

No. 20.

COLONIAL OFFICE to the ASSOCIATION OF CHAMBERS OF
COMMERCE OF THE UNITED KINGDOM.

SIR,

Downing Street, June 14, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 2nd inst.,* enclosing a memorial from the Warrington Chamber of Commerce on the subject of the proposed increase in the Canadian import duties, and to acquaint you in reply that a copy of your letter, and its enclosure, has been forwarded to the Governor-General of Canada for communication to his Ministers.

I am to add that an official statement of the reasons of the Canadian Government for bringing forward these proposals with regard to the iron duties appeared in the "Times," of the 28th ultimo.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

The Secretary to the
Association of Chambers of Commerce.

No. 21.

COLONIAL OFFICE to the LEEDS INCORPORATED CHAMBER OF
COMMERCE.

SIR,

Downing Street, June 14, 1887.

IN reply to your letter of the 4th instant,† I am directed by Secretary Sir Henry Holland to acquaint you, for the information of the Council of the Incorporated Chamber of Commerce of Leeds, that he is in communication with the Governor-General of Canada upon the subject of the duties on iron, steel, and cloth referred to in your letter, and that a further letter on the subject will shortly be addressed to you.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

The Secretary to the
Leeds Incorporated Chamber of Commerce.

No. 22.

COLONIAL OFFICE to the ASSOCIATION OF CHAMBERS OF
COMMERCE.

SIR,

Downing Street, June 14, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 8th inst.,‡ forwarding a resolution passed by the Wigan Chamber of Commerce on the subject of the proposed increase in the Canadian import duties on iron and steel.

A copy of this resolution has been transmitted to the Governor-General for communication to his Ministers.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

The Secretary to the
Association of Chambers of Commerce.

* No. 13.

† No. 14.

‡ No. 15.

No. 23.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

TELEGRAPHIC.

June 14, 1887.—Have tariff proposals, pages 429–31 (Hansard), been finally adopted, especially iron, steel, and cloth? Telegraph at once whether any modifications.

No. 24.

The MARQUIS OF LANSDOWNE to SIR H. T. HOLLAND.
(Received June 16, 1887.)

TELEGRAPHIC.

15th June.—Following tariff changes made last night: on boiler or other plates, iron, sheared or unsheared, skelp iron, sheared or rolled in grooves, and sheet iron, common or black, not thinner than No. 20 gauge, not elsewhere specified, including nail plates of iron or steel, No. 16 gauge or thicker, proposed reduction of 1 dollar per ton; rolled iron or steel angles, channels, structural shapes, and special sections, weighing less than 25 lbs. per lineal yard, not elsewhere specified, half-a-cent per pound and 10 per cent. *ad valorem*, this is reduction on some grades of 3 dollars per ton; rolled iron or steel beams, girders, joists, angles, channels, structural shapes, and special sections weighing not less than 25 lbs. per lineal yard, 12½ per cent. *ad valorem*, this is a reduction from 16 dollars a ton to an average of 3 to 5 dollars a ton; other wrought-iron tubes or pipes, six-tenths cent. per pound, and 30 per cent. *ad valorem*; steel tubes, if [? in] former resolution, now excluded, and duty reduced from one and one-half cents per pound, making duty on such pipe 20 per cent. less.

No. 25.

The MARQUIS OF LANSDOWNE to SIR H. T. HOLLAND.
(Received June 16, 1887.)

TELEGRAPHIC.

IN continuation of my telegram of yesterday,* no change in tariff as to cloths. As to contracts, all purchases made in England before 13th May will be entered at old rate of duty up to 1st July, and for British Columbia, viâ Cape Horn, up to 1st November. Changes generally favourable to British trade. Tariff has passed Committee of Ways and Means. Bill waits third reading.

No. 26.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, June 17, 1887.

I HAVE the honour to transmit to you, for communication to your Ministers, a memorial† from the North Staffordshire Chamber of Commerce on the subject of the proposed increase in the import duties on iron and steel.

The Marquis of Lansdowne.

I have, &c.
(Signed) H. T. HOLLAND.

* No. 24.

† Enclosure in No. 17.

13

No. 27.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, June 17, 1887.

I HAVE the honour to transmit to you, for communication to your Ministers, a copy of a memorial* from the Bolton and District Incorporated Chamber of Commerce on the subject of the proposed increase in the Canadian import duties on iron and steel.

The Marquis of Lansdowne.

I have, &c.
(Signed) H. T. HOLLAND.

No. 28.

COLONIAL OFFICE to the NORTH STAFFORDSHIRE CHAMBER OF COMMERCE.

SIR,

Downing Street, June 18, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 13th instant,† forwarding memorials to him and to the Government of Canada on the subject of the proposed increase in the import duties on iron and steel in the Dominion.

The memorial to the Government of Canada has been forwarded to the Governor-General for communication to his Ministers, and, with regard to the memorial addressed to Sir H. Holland, I am to state that the regulation of the Customs duties in Canada is a matter entirely in the discretion of the Dominion Government, with which he is unable to interfere.

I am, however, to transmit to you a copy of a telegram‡ from the Governor-General of Canada dated the 15th instant.

The Secretary to the North Staffordshire
Chamber of Commerce.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 29.

COLONIAL OFFICE to the BOLTON AND DISTRICT INCORPORATED CHAMBER OF COMMERCE.

SIR,

Downing Street, June 18, 1887.

IN reply to your letter of the 10th instant,§ I am directed by the Secretary of State for the Colonies to acquaint you that the memorial of the Bolton and District Incorporated Chamber of Commerce on the subject of the proposed increase in the Canadian import duties on iron and steel has been forwarded to the Governor-General of the Dominion for communication to his Ministers.

I am to enclose a copy of a telegram‡ respecting the new duties which the Secretary of State has received from the Governor-General.

The Secretary to the Bolton and District
Incorporated Chamber of Commerce.

I am, &c.
(Signed) JOHN BRAMSTON.

* Enclosure in No. 16.

† No. 17.

‡ No. 24.

§ No. 16.

No. 30,

The MARQUIS OF LANSDOWNE to SIR H. T. HOLLAND.
(Received June 20, 1887.)

Government House, Ottawa,
June 2, 1887.

SIR,

I HAVE the honour to forward herewith, for your information, three copies of the House of Commons Debates, May 12th, containing the speech with which Sir Charles Tupper, Minister of Finance, introduced the Budget in the Dominion House of Commons.

The Right Hon. Sir Henry Holland,
&c. &c. &c.

I have, &c.
(Signed) LANSDOWNE.

Enclosure in No. 30.

HOUSE OF COMMONS DEBATES, Ottawa, Thursday, May 12, 1887.

*After Recess.**

SIR CHARLES TUPPER.—I am quite sure, Sir, that the House has listened with very great pleasure to the evidences I have been able to lay before it, of the undoubted condition of progress and prosperity that Canada enjoys. I am quite sure, Sir, that no member of this House can fail to be gratified at the indisputable evidence, furnished by everything that can indicate a condition of progress and prosperity in a country, that Canada is at this moment in an exceedingly prosperous condition, and that the outlook for the future is all that we can desire. But, Sir, I may ask the House for a single moment, to what do we owe that condition of progress and prosperity, upon which we are all able to congratulate ourselves at this moment? I am quite certain that the answer will be found in the words—National Policy. It is the National Policy which has lifted Canada out of the position that it occupied a few years ago; it is the national policy that has enabled it to pass through what otherwise would have been a period of great depression, without seriously feeling it; it is the national policy that had vivified every industry in this country, that has furnished employment for Canadian hands on Canadian soil, that has kept the money of the country within the country, and that has diffused prosperity from one end of this country to the other. But, Sir, I drew attention to the fact that production had, to a considerable extent, overtaken consumption, and that the necessity was imposed on the Government of endeavouring to find outlets for the industries of Canada, by extending and developing our trade with other countries. I referred to the efforts we were making in connexion with lines of steam communication, but I omitted on that occasion to refer to the fact that the sanction which was obtained from this House to establish a line of steam communication with France has, as you know, Sir, not been successful up to the present moment. But I am glad to be able to say that the appropriation placed by Parliament at the service of the Government for that purpose is about to be utilised, and that a strong French company are preparing to put on a line of steamers between France and Canada, that I have no doubt will render that effort on our part as successful as the others. Now, Sir, I intend to invite the attention of the House to a new field for the development of the national policy. We have applied it to the great cotton industry; we have applied it to the woollen industry; we have applied it to innumerable industries all over Canada, and with marvellous success. But, Sir, there is a field, perhaps the most important, still untrodden. There is a field still unoccupied that presents greater possibilities and greater opportunities than any other for developing Canadian industry, and it lies at the very root and foundation of the national policy in all countries where it has been adopted. I refer to the iron industry. I say, Sir, that while we have adopted the national policy with reference to other industries, while we have taken a leaf out of the book of our great neighbours to the south of us—and we are always delighted to avail ourselves of their experience, in order to benefit ourselves—while we have adopted to a certain extent their policy in reference to other great industries, in relation to this, the greatest industry of all in this country and in all countries where iron and coal are found to abound, we

* NOTE.—The previous portion of the speech, not relating to the Iron Duties, is not printed.

have neglected up to the present hour to do justice to this great Canadian industry. Sir, the Government of the United States, after the most careful and elaborate consideration of this question, after appointing a commission to go from one end of the Union to the other, to collect information and investigate the subject to the very root in all its bearings, adopted a thoroughly sound, rational, and scientific policy. They adopted the cardinal principle at which we are aiming, and that is the application of the principle of protection in reference to the amount of labour consumed in the production of the article. Now, Sir, down to the present hour there has never been an effort made, such as I believe can be made, to adopt in all its bearings that scientific application of the principle of protection to the labour involved. What we have already aimed at—what we have to a large extent attained—has been the development of the industries of the country, by protecting the industries of the country. But, Sir, in relation to this, the great industry of Canada, the great industry of Great Britain, the great industry of the United States, of Germany, of Belgium; one of the greatest industries of France, and one of the greatest and most important industries of all the great countries that possess iron and coal, we have down to the present time ignored that fundamental principle of the application of the system of protection in proportion to the labour involved. What have we done? The United States adopted in regard to the iron industry, the policy of applying a certain tariff to pig iron. They imposed a duty of \$6 a ton; they have imposed a duty of \$6, \$7, \$8, \$9 or whatever number of dollars a ton was necessary, in order to establish the industry within their borders. At the present moment, however, their tariff is \$6 a ton, imposed on every ton of pig iron coming into competition with a ton of pig iron produced in the United States. And, Sir, they have graded that duty—not with mathematical exactness, but to a large extent graded accurately their tariff upon the iron industry of the country, just in proportion to the amount of labour, the number of days' labour, required in order to produce a ton of any particular quality of iron. What have we done? Why, Sir, we have at this moment a bounty of \$1.50 a ton on pig iron, and \$2 a ton duty upon pig iron. What then? Giving a protection to the production of a ton of pig iron, we have a duty, instead of three times as great, as the United States have adopted—or from twice to three times as great—on the puddled bar, we have a duty of \$1.70 per ton. So that while we protect the inferior article, the lowest form in which iron is presented, we have so constructed our tariff as to make it utterly impossible to utilise and derive a benefit from it, by grading our tariff in proportion to the amount of labour involved. Now, Sir, if there is a country in the world to which the iron industry is important, it is Canada, and why? Because we possess the coal and we possess the iron ore, and we possess the fluxes; and, therefore, it is necessary to develop the great iron industry within our borders, and yet down to the present moment we have left almost untouched, this enormous, this almost illimitable field for the extension of our national policy. The national importance of the iron industry is seen at once when we take into consideration the fact that it furnishes the material necessary for agriculture, for commerce, for manufactures, for offence and defence, and for all other manufactures, with scarcely an exception. It becomes, for these reasons, the most important of all the industries of the country. So valuable is it regarded, that all nations who have the means of developing that industry, have addressed themselves to that work as one of prime importance. The means of developing the iron industry of a country depend, first, upon the possession of the ore; second, upon the possession of the coal or other fuel that is required to utilise it; third, upon the possession of the fluxes, and fourth, upon the proximity of these articles to each other, and of the facilities for transporting the product from the points where it is manufactured, to the great centres of the country, where it is to be used as an article of commerce. Now, Sir, Canada occupies in this regard a vantage ground over almost every country in the world. England possesses coal and iron ore to an almost illimitable extent; but the House will perhaps be surprised to learn that even England, with all its ore and all its coal, imports from Spain, a thousand miles away, more ore than is required to manufacture the entire production of steel in England. The United States possess almost unlimited quantities of iron ore and coal; but they have no such advantage as Canada enjoys. Their iron and coal are widely separated from each other—so widely separated that the ores of Wisconsin and the Lake Superior region are sent a thousand miles away to Pittsburg to the coal area to be manufactured into iron. In the Southern States they have coal and iron in close proximity, but with this drawback, that they are over a hundred miles from the seaboard, over which distance the manufactured article has to be transported by rail. France, which has developed a great iron industry, has to import both iron and coal. That country has both ore and coal to some

extent, but no less than 35 per cent. of the ore manufactured in France is imported from a long distance. Belgium has plenty of coal, but imports iron ore from Germany. A large amount of iron ore manufactured in Belgium, which has become so powerful a competitor of England in iron, is manufactured from ore imported from Luxemburg; but it sends all the way to Spain for the ore used in the manufacture of Bessemer steel. If these countries, without the advantage of having iron ore and coal in close proximity, can import one or the other a thousand miles, and carry on the manufactures of iron, what can Canada do, which has the great advantage of possessing illimitable coal fields and illimitable stores of iron ore in close proximity? England and the United States both form notable examples of what can be done in development of a great industry by protection. I need not tell this House that the most extreme protection that ever was adopted in any country in the world was adopted in England in connexion with the manufacture of iron. England not only imposed high duties on iron coming in from abroad, but when it was discovered that coal could be used instead of coke, and the manufacture of the steam engine was brought into play, it actually prohibited the workmen who were acquainted with those processes from leaving the country in order to retain the industry within their own borders. The United States, recognising that the manufacture of iron within their own borders lay at the very foundation of that protective policy that has made that great country as flourishing as it is to-day, at the very foundation of that great policy that has enable them to grapples with a gigantic war debt, and sweep it away by hundreds of millions, until to-day are only embarrassed by the difficulty of knowing how to get rid of the revenue that is furnished by that policy. I say, Sir, recognising that this question of the iron industry lay at the very foundation of their national policy, they adopted a high protective tariff, and after the most careful, the most scientific, and the most elaborate investigation, they graded the tariff in relation to the different branches of the iron trade in order to furnish just such protection as the amount of labour entering into the creation of any article of industry involved. And thus, Sir, recognising the great principle of protecting first and above all the labour of the country, they have built up an iron industry that has astonished the civilised world. Germany imported 100,000 tons of pig iron in 1860, and it exported 1,000,000 in 1881—how? By adopting the policy that has prevailed in Canada of giving a feeble protection to the production of iron in its lowest stage, and leaving all the others unprotected to come into competition with it? No; but by adopting the true principle of protecting the labour that entered into the production of iron in all its departments, and thus, instead of being dependent, as it was, upon other countries for its iron, it has become a great exporter, as you see, of that commodity. The production of iron in the world in 1865 was 9,250,000 tons; in 1883 it had gone up to 21,000,000 tons, showing that all that is necessary in order to extend to an unlimited degree the use of iron is to be able to produce it, and showing also that it affords a field for the application of the sound principles of the national policy that no other industry in the country affords. The result of this policy may be briefly stated that during last 21 years, from 1865 to 1885, the increase in the production of pig iron in Great Britain has been 76 per cent. In the United States, 456 per cent.; in Germany, 237 per cent.; France, 64 per cent.; Belgium, 84; Austria and Hungary, 152 per cent. So has the iron industry, under a national policy adopted for its development and its protection, flourished in all these countries. Of course, England when she became, under the most rigid and determined system of protection ever adopted in any country of the world, so advanced as to out-distance all other countries to such an extent that she thought she could adopt the principles of free trade; she adopted those principles; and she adopted them under the delusion, propounded by Mr. Cobden and sincerely believed in by that distinguished man, but proved by the result to be utterly fallacious, that if England, with her advanced position of mistress of the industrial arts of the world, adopted the policy of free trade, all other countries would be obliged to follow in her wake. And what is the result? It is that instead of following in her wake, France and Germany and all these countries have held fast by the national policy of protecting their own industries, and the consequence is that they are at this moment in a position to paralyse, to a large extent, the industries of England with all her advantages of iron and coal in close proximity. By their protective policy they are developing and advancing their industries in a way that England finds herself incapable of keeping up with, and the result is that Belgium and Germany are keen competitors on English soil with the great English industries. The time is not long since when charcoal iron was one of the most important industries in Ontario and Quebec. I have no hesitation in saying that if the protection we have given to cotton and woollen and all other industries of Canada be applied to iron to-

morrow, it will show what the past history of Canada has shown, that these charcoal iron industries will be in full blast, and that in Ontario and Quebec they will become most essential and important industries to-morrow as they were in days gone by. Every person knows that charcoal iron is the most valuable product of iron; every person knows the increase of value of charcoal iron; every person knows that the great difficulty is the cost of purchasing it, but there is no country in the world that has such a field for the production of charcoal iron as the Provinces of Quebec and Ontario. What have you, Sir, in these Provinces? You have the ore in illimitable quantity, you have a boundless field for the production of the ore, and you have, running along through the same tract of country, magnificent forests adapted to furnishing the charcoal. At present what are the people obliged to do? Those who go into the wilderness to make a farm have to spend their valuable labour in cutting down this timber, and consuming it on the ground without receiving anything from it. Vivify, give protection to the iron industry, as you have given it to cotton, woollen, and everything else, and what will be the result? It will be that when a man goes into the forest to make a farm in Ontario or Quebec, the most valuable product under his hand will be that on which he has to spend all his labour and capital now in wasting. You will have colonisation extended in Ontario and Quebec as nothing else could extend it. The experiments recently made by some of the great lines of railway in the United States have shown, as the result of scientific analysis, that the mode of making the life of a rail infinitely greater than it is, is to have incorporated in the rail a large portion of charcoal iron, and under this recent discovery, there is a field for the development of charcoal iron, that will go far to make it one of the leading industries of Canada. There is at present, as you know, in Ontario, running through a large number of counties and townships, a most valuable deposit of iron ore. A railway has been built to Central Ontario, over 100 miles long, to carry this ore to Weller's Bay, to be shipped across the lake to Charlotte, Oswego, and other points on the American side. Well, from Oswego and Charlotte on the American side to the anthracite coal field, is only 100 miles, and I say that, under a policy which will give iron the protection we give to everything else in Canada, under the National policy, you will have the ships that convey the ore to Oswego or to Charlotte, or to any of those places from Kingston, Cobourg and Weller's Bay, bringing back the anthracite coal, and you will have the establishment of blast furnaces at Cobourg, Kingston and Weller's Bay, that will give the iron industry of Ontario the same position it occupied years ago. I may attract your attention, Sir, for a single moment to the relative importance of these industries. We have given to the manufacture of sugar, and the manufacture of cotton, and the manufacture of woollens, a large protection with the result we anticipated, of building up these industries and rendering them flourishing. In addition to that, we have from 1868 to 1884, admitted \$2,950,000 worth of machinery free into Canada, in order to give increased protection and development to these industries. Now, Sir, the relative importance of these industries may be shown by the table compiled in regard to the United States. It will be found by that table that in the refining of sugar and molasses in the United States, there are forty-nine establishments employed. The capital invested in these is \$27,432,500; the number of males employed over 16 years of age, 5,832; the number of children and youths, 25,000; the amount paid in wages during the year, \$2,875,032; the value of materials, \$144,698,499; and the value of the product, \$155,484,915. So much for sugar. In the manufacture of cotton goods, there are 1,005 establishments, in which the capital employed amounts to \$219,000,000; number of males employed 64,000; females, 91,000; and 30,000 children. The total amount of wages is \$45,614,419; the value of materials, \$113,765,000, and the value of the product, \$210,000. Of woollen goods, the number of establishments is 1,990; \$96,000,000 of capital is employed; 46,000 males, 29,000 females, and 10,000 children are engaged; \$25,836,000 is paid in wages; the value of the material is \$100,000,000, and the value of the products \$160,000,000. Now, come to iron and steel, and you will see at a glance by the comparison how entirely the iron and steel industry distances all the other industries of that great country, in regard to the amount of capital employed, of people engaged, and the result. Of iron and steel industries there are 1,005, the capital employed is \$230,000,000; the number of males about (above?) 16 years of age engaged, 133,000; of females, 45,000; of children, 7,730; the wages paid out are \$55,476,875; the value of material is \$191,000,000; the value of the product is \$296,000,000. So you see that, great as are the cotton and woollen industries in the United States, as regards the employment of a vast population and the support of a great body of people in connexion with these various industries, the iron industry far outstrips and leaves everything else in the rear. Now, charcoal iron from bog iron ore was formerly an important industry both in Ontario and in Quebec, and charcoal iron was also made in

Carleton, N.B., where to-day, under a policy of fostering this industry in the same way as the cotton and woollen and other industries have been fostered, that blast furnace in Carleton would again be lighted up and would be the foundation of a new and extensive industry in the Province of New Brunswick. The following table, which I have had sent to every member, in order to make the matter more distinct, will show the Canadian iron trade at a glance :—

Imports of Iron and Steel and Manufactures thereof into the Dominion for Home Consumption for years

Years.		\$	Years.		\$
1868	-	6,885,365	1879	-	7,962,295
1869	-	7,885,780	1880	-	10,128,660
1870	-	7,750,867	1881	-	12,955,855
1871	-	10,808,645	1882	-	17,499,488
1872	-	15,913,179	1883	-	20,080,274
1873	-	25,435,020	1884	-	14,790,727
1874	-	20,700,387	1885	-	11,415,713
1875	-	18,199,198	1886	-	11,053,365
1876	-	12,965,117			
1877	-	11,082,321			
1878	-	9,398,806	Total	-	\$253,210,512

This large amount of \$253,000,000 was paid out in hard cash by the people of Canada to support the iron industries of other countries, while our own country teemed as no country in the world teems with all the materials necessary to manufacture iron, the coal, the ore, the fluxes, everything that is necessary, and with the labour of our country unemployed. Of this amount \$94,879,630 was free and \$158,330,882 dutiable. You have only to look at that in order to see that the balance of trade against Canada is largely and at once accounted for. If you subtract the amount of imports paid by Canada for iron to sustain the iron industries of other countries, you will find that it is nearly equal to the amount by which our imports have exceeded our exports, and, if you want to balance the trade of the country, if you want to have no outgoing beyond the incoming of the country, cut the Gordian knot, put this iron industry upon the same footing and foundation that you have put all the other industries of Canada, and you will sweep away, to a large extent, the balance of trade which stands recorded against Canada up to the present time. The imports have amounted to from 14 to 15 millions annually since confederation. As I shall show you directly, there is no country in the world that is consuming iron to a greater extent than this Canada of ours. There is also a table showing the balance of trade, and how much is accounted for by the importation of iron and steel and the manufacture thereof, which shows that the consumption of iron in the whole world is 33½ lbs. *per capita*. In Canada the consumption is 260 lbs. *per capita*. In 1883 Canada imported at the rate of \$4.55 *per capita*. Assuming an average of \$85 a ton, that would represent 260 lbs. *per capita*, which makes Canada the third country in the world in the consumption of iron. Great Britain is the first, the United States the second, and Canada the third of all the countries in the world in regard to the consumption of iron. Now, I will turn the attention of the House for a moment to a matter which lies in close proximity to this question of the iron industry, and that is the coal trade of the country. The following table shows the consumption of coal in the Dominion since 1868 :—

Total Consumption of Coal in the Dominion.

Years.		Net tons of 2,000 lbs.	Years.		Net tons of 2,000 lbs.
1868	-	714,893	1878	-	1,665,814
1869	-	636,704	1879	-	1,748,164
1870	-	859,630	1880	-	2,094,844
1871	-	852,217	1881	-	2,260,680
1872	-	1,227,653	1882	-	2,708,654
1873	-	1,398,403	1883	-	3,085,689
1874	-	1,454,636	1884	-	3,556,673
1875	-	1,362,363	1885	-	3,439,745
1876	-	1,466,531	1886	-	3,515,769
1877	-	1,751,031			

The total production of coal for the Dominion is shown in another table:—

Total Production of Coal in the Dominion.

Years.		Net tons of 2,000 lbs.	Years.		Net tons of 2,000 lbs.
1868	-	623,392	1878	-	1,109,595
1869	-	687,527	1879	-	1,152,783
1870	-	734,285	1880	-	1,456,795
1871	-	804,431	1881	-	1,514,542
1872	-	1,038,349	1882	-	1,845,548
1873	-	1,228,852	1883	-	1,831,819
1874	-	1,068,166	1884	-	1,997,368
1875	-	998,104	1885	-	1,973,987
1876	-	950,483	1886	-	2,104,170
1877	-	1,020,875			

I may say that the unlimited increase, so to speak, is quite within the possibilities of the legislation of this House. I need not tell the House that, notwithstanding that great increase in the production of coal in Canada, a large number of the coal mines of Canada—take, for instance, those in Pictou, those in Cape Breton—which depend on the sea, are closed for something like six months in the year; and that upon a safe calculation it may be said that an enormous amount of loss of working power is caused by the fact that they are only able to work half time in consequence of a want of demand for the article itself. Now, the protection of iron in this country will give to the coal industry of this country such a development as will enormously increase the demand for labour in connexion with the mining of ore. The manufacture of charcoal in the timbered country I have already referred to, and to the enormous amount of labour it will involve. The principle of the American tariff I have already explained. They have created this great iron industry in the United States by giving to the labour employed protection just in proportion to the amount of days' work consumed in producing the article, whether it was a ton of pig iron, a ton of puddled bars, a ton of bar iron, or the manufacture in its very highest state. Our policy, as I have shown, is diametrically the reverse, and the result is that while they have been building up this magnificent iron industry in the United States, and at the same time steadily and enormously reducing the cost of iron in that country, we, with all that nature has done for us in the most unbounded and unstinted manner, furnished with all the raw material necessary to make our country great and prosperous, are allowing to pass away this golden opportunity of reaping a harvest by creating great national industries, giving increased labour to the people, and thus building up great and thriving communities and furnishing profitable employment to thousands and tens of thousands of additional inhabitants to our country. We are allowing other countries to reap the benefit, other countries not half so well situated as we are for the production of iron—reap this golden harvest that lies unconsidered at our feet. Now, Sir, this was done in the United States by following a policy the very reverse of ours. I may just say before passing away from the question of coal, which we have developed so successfully, that instead of increasing the cost of coal to the people of this country, I hold in my hand a table showing that the price paid in the city of Montreal for bituminous coal in 1877, was \$4.50 per ton, while in 1886 the same coal sold for from \$3 to \$3.50 per ton. Now, the United States, graduating their tariff upon the amount of labour employed in producing the article, put \$6 a ton on pig iron; our duty is \$2. They put \$6 a ton on cast iron scrap and old shell; in Canada it is free. They put \$16 a ton on puddle bars, blooms, &c.; ours is 10 per cent., or \$1.70 per ton. They put \$6 per ton on wrought scrap; under the Canadian tariff it is free. They put \$16 and \$22, according to quality, on bar iron, spike, rod, &c.; our duty is 17½ per cent., about equal to \$5 per ton. They put \$20 a ton upon thick hoops and sheets; ours is 17½ per cent. They put \$28 per ton upon thin sheets; ours is 12 per cent. On cut spikes they put \$25 per ton; ours is \$13.45, more nearly assimilating to theirs. Now, it is impossible to read those two tariffs of the United States and Canada without seeing at a glance why it is that while they have made the iron industry the most successful and most important industry in that country, we are standing still at the threshold, looking idly on, and leaving all these undeveloped treasures to lie at our feet, and only wanting the adoption of a sound and rational policy, the adoption of that national policy that has placed Canada in the proud position it occupies to-day, by applying it to other industries; waiting, I say, to have that same policy applied to the iron industry of this country to give us an increased development that will, I believe, be found to surpass all the other industries of our

country, just as the table I have read of the woollen and cotton industries of the United States shows that they have been surpassed transcendently by the iron industry of that country. Sir, imagine the helpless position Canada would be in in the event of war. What country could do without iron? I do not believe the child is born in Canada that will witness a war. I regard the position we occupy as one that gives the best possible assurance that we will have peaceful progress within our borders. But while that is the strong probability, is it not worth while for us to consider what a country would do, that is consuming 250 pounds of iron per head of the population, if they were cut off with no iron industry within the country to meet the emergency, and to give us that supply which is absolutely necessary for the progress and advancement of every other industry within our border. Why, Sir, our position is a helpless one at present. Belgium, Germany, and England combined only yesterday to put up the price of steel rails in Canada \$5 a ton, and you had to pay that increase in consequence of the fact that you had no iron industries in your country, and to-day you are paying for cast iron, pig and for wrought pipe enormously above what the article costs, because those countries at this moment agreed to put up the price to the producers of wrought-iron pipe in this country. Now, I say, it was only yesterday that England, Belgium, and Germany combined, and Canada had to pay, and did pay, \$5 a ton for every ton of steel rails imported into the country more than we ought to have paid, because we, in our present condition, with our country filled with iron, filled with coal, filled with limestone, and all in close proximity to each other, have not had the sagacity, we have not had the courage to adopt the same rational policy in regard to this industry that we have adopted with regard to others. Why, Sir, in this very county of Ottawa, the country teems with iron ore as rich as any in the world. All through this region there are unbounded forests furnishing charcoal, and all that is wanted is fair and legitimate protection to vitalise and develop the industry and give employment to the people, and aid at the same time the colonisation of those rich tracts of country by furnishing to the poor men who go into the forests the means of getting a fair price for the timber they are now obliged to waste in order that they may cultivate the land. How do you suppose the combination between England, France, and Belgium was broken up, under which we were paying \$5 a ton more for our rails? Strange as it may seem, it was broken up by means of the United States. The Canadian Pacific Railway Company broke it up by giving an order for steel rails to the United States, instead of to that combination, teaching the people in England, Germany, and France that we were not so prostrate as they supposed, not quite so helpless as they supposed, and that led to breaking up the combination, because they became alarmed at the fact that in the United States, where rails were \$159 a ton only a few years ago, the price has been brought down to \$26, showing the influence of this rational policy.

Sir RICHARD CARTWRIGHT.—That is new.

Sir CHARLES TUPPER.—It is not only a national policy, but it is a rational policy. It is a policy that is national because it is rapidly making Canada a nation, it is a rational policy because the very foundation of reason is in a Government, a Parliament, a country furnishing employment to the mass of the industrial people. Well, Mr. Speaker, 20 years ago iron rails were made in Toronto and Hamilton, and within the next 20 years we will make all our own rails. I do not propose to ask this House to adopt the policy, the Government does not propose at this moment, regarding the increased railway development of the country as one of the vital essentials of progress and prosperity to include in this arrangement what the United States has done, and done with such success, and that is to apply it to steel rails. We propose that they shall come in free as they have done in the past, because we consider that should be made an exception. I do not hesitate to say that the adoption of this policy will, in my judgment, place Canada in a position where she will be able to provide her own rails, and that at no distant period, at as reasonable a rate as any country in the world. Why should we not do so? Show me any country possessing as many miles of railway as Canada does that does not manufacture its own rails? It cannot be done. There is no country in the world with 12,000 miles of railway in operation that does not manufacture the rails used there. Why should we not, at no distant day under the application of this protective policy for the iron industry of Canada, be in a position to manufacture our rails successfully and efficiently? Now, as to car axles. As showing that there is no want of skill in Canada, that Canadians are equal, without any outside assistance, to deal with manufacturing matters, I can point to a foundry in Montreal where the most excellent steel casting probably to be found in the world are turned out. Go to New Glasgow, and you will find a steel industry built up by a local capital of from \$300,000 to \$400,000 invested by Nova Scotians, or by Canadians, at all events, where they are

turning out the very best articles that can be produced. All that is wanted is fostering protection in order to make the quantity as great as the quality is good. In those works there is not a man employed who is not a Canadian. The ready intelligence which Canadians possess enables them within a short time to master the most intricate processes in connexion with any industry. In the county of Pictou, iron, coal, and limestone are found in the closest proximity; within a radius of 10 miles there is everything necessary to build up a great and successful industry; and this mineral wealth is found on the seaboard, so that the products of the industry can be chiefly (cheaply?) transported by water to the head of Lake Superior if required. All descriptions of iron ore are found in this country, so that when we are told by persons engaged in the iron founding industries that they require other ore to mix with Londonderry ore because it is too good, that they require to import Scotch pig iron, the answer is that we possess within our own borders every variety of iron ore, so that any mixture desired can be made. We have specular iron of 68·33 percentage, metallic iron, compact limonite 57·71, fibrous limonite 59·50, red hematite, also fossiliferous 54·36, spathic 43·56. In New Brunswick there is hematite iron ore; in the county of Carleton ore and coal are to be found, also in different districts of that Province. Bog ore in Queen's, Sunbury, York, Charlotte, Restigouche, and Northumberland counties, in close proximity to the Inter-colonial Railway. It is specially applicable to the manufacture of charcoal iron. There are iron ores in Quebec. Magnetic iron ores are found more or less throughout the Laurentian range of mountains along the Ottawa River. At the Hull or Baldwin mines, west of the Gatineau River, the ore analyses 67 per cent. The quantity is estimated at 100,000,000 tons. The Haycock mine ore ranges from 64 to 68 per cent. metal. Bristol mine 58 per cent. iron. In Three Rivers and Drummonville there is unlimited timber for making charcoal; also in Ontario, at the Eastern District, back of Kingston, Belleville, Trenton, and Cobourg, between Lake Ontario and Ottawa River; the townships of Marmora, Hastings, Tudor, Bedford, Madoc, Wollaston, Palmerston, Bagot, Belmont, Darling, Barrie, Galway, Snowdon, and many others. There is magnetic iron in abundance in the district served by the Ontario and Quebec, Kingston and Pembroke Railways. In Central Ontario, Cobourg and Peterboro', and Grand Trunk Railways, and by Rideau and Trent Canals. There is plenty of timber all through this district. I had a conversation with a surveyor who had extended these lines for hundreds of miles through these districts, and away up 130 miles further, to the intersection of the Canadian Pacific Railway, and I was assured that not only was there an unlimited quantity of iron through that district, but that the forests along that line of communication could not be surpassed in any country in the world for the production of charcoal iron. Now, I have shown you that the Lake Superior ores of the United States are carried 1,000 miles to the coal, for the purpose of manufacturing the pig iron. If that be the case, what is to prevent the policy of the ship that carries the ore from Weller's Bay, Kingston, and Cobourg, across to the United States ports, bringing back a cargo of the anthracite coal which is within 100 miles from the point of shipment? There is nothing to prevent it but one thing, and that is the duty upon the anthracite coal; and what I propose to ask this House to do, in adopting the policy of vitalizing this great industry for Canada, is to take the duty off anthracite coal and make it free. The moment that it is done we shall have blast furnaces at Cobourg, Weller's Bay, and Kingston, at all events, served by anthracite coal, making that description of anthracite iron which is so highly valued by gentlemen connected with foundries. The distance between Weller's Bay and Charlotte, in the United States, is about 60 miles, and from Rochester to the anthracite mines is 150 miles; and, I think, when I give those distances and give what is accomplished every day in the United States, where coal and iron are 1,000 miles apart, I shall have settled the problem that nothing will be easier than to establish blast furnaces in the Province of Quebec and the Province of Ontario, by which you can not only manufacture unlimited quantities of charcoal iron but manufacture the ore by the use of anthracite coal. Now, Sir, you may ask me what about the great North-West. Well, Sir, it is well known that you have in the North-West the most boundless supply of coal that is to be found in any part of this Dominion. One of the great advantages we have over the prairie country to the south of us, is the unlimited supply of fuel furnished by nature in the form of lignite coal. And you have not only 50,000 square miles of this lignite coal in the great North-West, to furnish enormous quantities of fuel for generations to come; but you have in Big Island, in Lake Winnipeg, a valuable deposit of iron ore, and any quantity of timber to make charcoal to convert it into iron. All it requires is the adoption of this policy in order to establish, at an early day, industries for the manufacture of iron in the North-West as well as in the other portions of the country. And what more? Across the Rocky Mountains, need I tell you that in British

Columbia you have one of the most magnificent deposits of iron ore—on Taxada Island, 30 miles long and 5 miles wide—that is to be found in any place in the world, rich in the highest degree in iron; and that you have the Nanaimo coal fields to furnish fuel to put blast furnaces in operation at an early day, lying within 30 miles of Taxada Island. I say, that with the prospect of opening up trade with Australia, with China and Japan, although I am not a prophet nor the son of a prophet, I believe that at no distant day you will have in the Province of British Columbia an iron industry built up which will compare favourably with that of any other industry in this country. Now, Sir, you will ask me to give you a little more closely than in the general terms I have employed, what would be the result of Canada entering upon this national policy of manufacturing her own iron, and I will give you briefly my calculations on that point. And, though I base my estimate on our past consumption of iron, giving this industry the same protection that is given to others—I say that we need not base it on the past consumption of iron, for, with the development which is opening up before industries, a very feeble glance at what the real Canada, the past furnishes, in regard to all these result of adopting such a policy would be. We are making rapid strides, and if you take these diagrams, these graphic illustrations which I have placed before you, and look at what we have done in the last 18 years, tell me, if you can, the measure of what the progress of Canada will be in the next 10 or 20 years. We are only opening up this great question of developing the industries of our country, and I have no hesitation in saying that a more moderate calculation could not be made than the one I shall now offer the House, basing my calculation on the present consumption of iron. Our present consumption is 250,000 tons of pig iron, leaving steel rails out of the question altogether. To make this quantity of pig iron, you require 750,000 tons of iron ore. You require 120,000 tons of limestone and 750,000 tons of coal to make it into iron in its first stage, pig iron; and the freight required for the means of intercommunication in bringing these materials together, amounts to not less than 1,625,000 tons. To manufacture it in puddled bars, merchant bars, and the various shapes and sizes into which it is made, it would require an additional quantity of 750,000 tons of coal, making a total consumption of 1,500,000 tons. It is on the ground that the development of the iron industry of Canada will tax the coal industry of this country to its utmost capacity, in order to furnish the additional output that will be required, and with all the advantages connected with that increased development, that I am enabled to say to the House that, although making anthracite coal free will take \$497,000 away from the Government in revenue which it is now receiving, we would be perfectly justified in doing it, because the development of this iron industry would be giving to the coal-mining industry a greater advantage and boon than that which would be taken away by the removal of the duty. Now, Sir, what does this involve? Take the diagram of Sir Lowthian Bell—the highest authority in the world—the man who in England is considered head and shoulders above every authority on these questions. Taking his diagram, which I have sent to every hon. gentleman in the House, you will see the price of Scotch pig iron and the earnings of the colliers in Scotland in comparison with Westphalia, and it shows that, just as the production of iron increased or decreased, so the production of coal increased or decreased. Now, Sir, the result is, that by the adoption of this policy, you will give permanent employment to an army of men numbering at least 20,000, increasing our population from 80,000 to 100,000 souls, and affording the means of supporting them in comfort and prosperity. I say, Sir, that if there is anything in the national policy, if we have not been all wrong from the very start, if the history of Canada shows that this national policy has achieved for Canada what we said it would achieve—and I have given the most abundant and irrefragable evidence on that point—if there is any question on which there ought not to be any doubt in the mind of any hon. gentleman, it is that the application of the same sound policy which we have found so admirable and successful in relation to all other industries, will have the same result in regard to the great iron industry of this country. Now, this estimate of an increased population of 100,000 souls does not take into account the manufacture of castings and forgings, cutlery and edged tools, hardware, machinery and engines, or steel rails. Were we to manufacture these articles—and there is no reason why we should not steadily progress to that point—the population I have mentioned of 100,000 souls would be no less than trebled. I may briefly give to the House the effect of the resolutions which I propose to lay upon the table; and I may say that the Government have given the most careful attention to the proposals that have been made to us in reference to changes in the tariff. We have found that in order to carry to its legitimate conclusion the policy we have applied to the various industries established in the country, it is desirable to make changes in the tariff, which, in all, will involve an increase in round numbers of something

under \$500,000 a year. In regard to iron, the increased revenue we expect to receive this year will not be over half a million from the changes proposed in these resolutions; and, while we have no reason to doubt that they will be entirely effectual in bringing rapidly into this country all the capital that is necessary to vitalise this great industry and put it into a flourishing condition, all the increased taxation that will be involved over the whole of Canada, from sea to sea, will be something like half a million dollars a year. That increased taxation, however, will all be swept away and given back to the people by the one resolution which makes anthracite coal free; and the Provinces of Ontario and Quebec, which largely pay that duty, will be greatly benefited instead of oppressed or burthened by the adoption of the policy that is now proposed. I do not think it necessary, Sir, to occupy the time of the House at greater length in making these explanations, and I am anxious to close at such an hour as will give an opportunity for the fullest criticism from the other side of the House. In this proposed tariff we have not followed exactly the American system. We have based it upon the principle of applying two-thirds of the American rate. There is at present provided by law a bounty of \$1.50 a ton until the 30th June 1889 on every ton of pig iron manufactured in the country; and afterwards that bounty is \$1.00 a ton, until it ends in June 1892. We of course leave that as it is; and in the meantime, instead of adopting the American tariff of \$6 a ton upon pig iron, we propose to adopt two-thirds of that tariff by raising the duty from \$2 a ton, as it is at present, to \$4 in addition to the bounty. And then we have applied as a general principle—modified in certain cases according as we felt it desirable in the interest of the country, a little more or a little less—that two-thirds rate to all the branches of the iron industry throughout the country. We do not propose to increase the tariff on sheet iron, hoop iron, or the lower kinds of round iron, which are left at the old rate at present, because these I do not expect at an early day to be manufactured in the country. The duty on steel worth four cents per lb. and under is placed at 30 per cent., or on an equal footing with the iron duty. On steel worth over four cents per lb., we leave the revenue duty of $12\frac{1}{2}$ per cent., because we do not expect that high class of steel at an early day to be manufactured in the country; so that miners and others using a high class of steel will not be affected adversely by the change. On wire rods, wire rope, and wire fencing, the duty is not proposed to be increased. The duty on boiler plate and locomotive tubes remains, for obvious reasons, unchanged, as we wish to do all we can to develop the manufacture of engines in our own country, and to furnish all the aid we can to railways. The highest *ad valorem* rate, therefore, on them, under the proposed tariff, would be about 35 per cent. The unenumerated articles, embracing hardware stores, edge tools, cutlery, &c., will come in at 30 per cent. duty. And now, Mr. Speaker, thanking the House very much for the kind indulgence with which they have listened to my very lengthened statement, and my efforts at making these explanations, and regretting that the condition of my voice has not enabled me to do better justice to the subject, I will proceed to deal with the resolutions which it is proposed to offer for the consideration of the House. In blacking, shoe, and shoemakers' ink, the duty is 30 per cent. *ad valorem*. Harness and leather dressing, 25 per cent. *ad valorem*.

Sir RICHARD CARTWRIGHT.—What increase is that?

Sir CHARLES TUPPER.—I am afraid if I attempt to give the increase it will make it so very late that we will not have the pleasure of hearing from the hon. gentleman. I would prefer reading the resolutions and then taking them up *seriatim* when we go into committee.

Sir RICHARD CARTWRIGHT.—Have you got them printed for distribution?

Sir CHARLES TUPPER.—No, I have not.

Sir RICHARD CARTWRIGHT.—All I ask the hon. gentleman to do is, as he is going on, to state in each case what the increase is. I do not propose to ask him for the reasons in detail.

Sir CHARLES TUPPER.—I think I can do that by reading the resolutions from another paper. Blacking, 5 per cent. is added to the duty. Blueing, laundry blueing of all kinds, 30 per cent. *ad valorem*, an addition of 5 per cent. We will be able, of course, to give the fullest information to the hon. gentleman when we come to take up these matters in committee. It would take too much time to do that at present. Advertising pictures, pictorial show cards, illustrated advertising periodicals, illustrated price lists, advertising calendars, advertising almanacs, tailors' and mantle-makers' fashion plates, a specific duty of 6 cents per lb., and 20 per cent. *ad valorem*. The change makes no difference in duty; it merely adds certain words: "Illustrated price lists, calendars, and 'almanacs' to the resolution as it stood before, and would stand in the Customs' Act. Advertising pamphlets not illustrated, a specific duty of 1 cent each. The words

"not illustrated" are added to make the item more specific; the duty is not changed. Braces and suspenders, 35 per cent. *ad valorem*, an addition of 5 per cent. Buttons, vegetable ivory, horn or composition, a specific duty of 10 cents per gross, 25 per cent. *ad valorem*. Buttons, all other kinds not elsewhere specified, 25 per cent. *ad valorem*. Buggies of all kinds, farm waggons, farm rig or freight carts, pleasure carts or gigs, and similar vehicles, costing less than \$50, a specific duty of \$10 each; costing \$50 and less than \$100, a specific duty of \$15 each, and in addition thereto, in each case, of 20 per cent. *ad valorem*. All such carriages costing \$100 each and over, 35 per cent. *ad valorem*. The duty is based on legitimate prices and intended to check under-valuation. Cotton, sewing thread, or spools, 25 per cent. *ad valorem*, in addition of 5 per cent. Jeans, coutilles, when imported by corset makers for use in their factories, 25 per cent. *ad valorem*, an increase of 5 per cent. in favour of cotton factories. Before it was 20 per cent. when imported by corset makers for use in their factories. Printed or dyed fabrics not elsewhere specified, 32½ per cent. *ad valorem*. This is an increase of 5 per cent. additional protection to cotton factories and print works. Earthenware, stoneware, namely, demijohns or jugs, churns and crocks, a specific duty of 3 cents per gallon of holding capacity, an increase of 1 cent per gallon.

Sir RICHARD CARTWRIGHT.—How much do you compute that to be per cent?

Sir CHARLES TUPPER.—It is not over 30 per cent. Earthenware and stoneware, brown or coloured, Rockingham ware, &c., 35 per cent. *ad valorem*, 5 per cent. increase. Flagstones, sawn or otherwise dressed, specific duty of \$2 per ton, being an increase of 50 cents per ton; glass carboys, 30 per cent. *ad valorem*, same as before. Flasks, phials of four-ounce capacity and over, telegraph and lightning rod insulators, specific duty of 10 cents per dozen, and 30 per cent. *ad valorem*; that is an increase of 10 cents per dozen, in addition to the 30 per cent. charged before. Gold and silver leaf, 30 per cent. *ad valorem*, an increase of 5 per cent. Sewing machines, or heads or parts of heads of sewing machines, specific duty \$3 each, and 20 per cent. *ad valorem*, the duty now being 20 per cent. *ad valorem* and \$2 specific. Leather, sole, specific duty of 3 cents per lb. The present rate is 15 per cent., and we do not consider that is an increase. It is a change from the *ad valorem* to the specific duty without increasing the charge. Belting leather and all upper leather, including kid, lamb, sheep, and calf, tanned or dressed, but not coloured, waxed, or glazed, 15 per cent. *ad valorem*; there is no change in the duty but a mere alteration in the arrangement. Japanned, patent or enamelled, 25 per cent. *ad valorem*, now 20 per cent. Liquorice root, paste, extract of, a duty of 2 cents per lb.; the present duty is 15 per cent., and 2 cents would be equal to 25 per cent. Oil cloth, floor, specific duty of 5 cents per square yard and 20 per cent. *ad valorem*. This is introducing a specific duty, but it is not expected to increase the amount. The hon. gentleman will understand that in many of these cases this is done to meet one of the great difficulties of the Customs Department, that of under-valuation, from which our revenues have suffered very much. In reference to oil cloth in the piece, cut or shaped, &c., there is an increase of 5 per cent. *ad valorem*, the specific duty being as it was. On paper hangings, or wall paper in rolls, the new proposals are in place of the present duty of 30 per cent.

Mr. MITCHELL.—Is that an increase?

Sir CHARLES TUPPER.—Not except on the first item of brown blanks. On papers of all kinds not elsewhere specified, we propose to levy a duty of 25 per cent. *ad valorem*. The present duty is 22½ per cent. on calendered paper, and 20 per cent. on uncalendered. We now make it all 25 per cent. On tissue paper, the duty is the same, the only change consisting in striking out the words "of artificial flowers." In regard to pickles, sauces, &c., the present duty is 25 per cent., and we substitute a specific duty based upon 30 per cent. on the better classes of pickles. It will only increase the amount materially on the inferior kinds. In regard to plated cutlery, the present duty is 30 per cent. *ad valorem*. This is an increase on the cheaper kinds of plated knives, but will not materially increase the duty on the better class. The only difference in regard to plumbago is in regard to the manufactures of plumbago, on which the specific duty is increased from 20 to 25 per cent. On coarse salt we propose to charge 10 cents per 100 pounds, not including salt imported from the United Kingdom or any British possession. The same on fine salt in bulk, or on salt in bags or other packages, a specific duty of 15 cents per 100 pounds, the packages to bear the same duty as if imported empty. That is an increase of 3 cents per 100 pounds on the bags, barrels, or other packages.

Mr. MITCHELL.—Does that exempt the salt from the sea?

Sir CHARLES TUPPER.—Yes, all salt imported for the use of the sea or gulf fisheries is free of duty. The duty on sandpaper, glass, flint, and emery paper is to be 30 per cent.

instead of 25. On school and writing slates there is to be a specific duty of 1 cent each, and 20 per cent. *ad valorem*. Now the duty is 25 per cent. without the specific duty. I now come to a very large and important change in regard to the duty on cigars and cigarettes, on which we propose a specific duty of \$2 per lb. and 25 per cent. *ad valorem*, the weight of cigarettes to include the weight of paper covering. During the last fiscal year the number of cigars manufactured which were the product of imported raw leaf was 90,408,025. Assuming an increased production of 50 per cent. the output should be 135,612,037. The duty on 90,408,025, at \$6 a thousand would be \$542,448. The duty on 135,612,037 at \$6 would be \$813,672. We estimate an increased revenue from the duty on cigars of \$150,000. There is no change in the duty on trunks, but we propose to charge a duty of 10 cents each and 30 per cent. *ad valorem*, on valises, satchels, carpet bags, pocket books, and purses. In that case the 10 cents specific duty is added. The change in regard to varnishes, &c. is from 20 cents per gallon specific and 20 per cent. to 25 per cent. and 20 cents a gallon. The duty on potatoes is raised from 10 cents a bushel to 15 cents. The duty on tomatoes is raised from 30 cents per bushel to 30 cents per bushel and 10 per cent. *ad valorem*. Vegetables, not otherwise specified, are increased from 20 to 25 per cent. *ad valorem*. The duty on watch actions or movements is reduced from 20 per cent. to 10 per cent., that is in order to prevent smuggling and to foster the industry of making the cases in this country. On fabrics composed wholly or in part of wool, &c., the duty is to be 7½ cents per lb. and 20 per cent. *ad valorem*. The duty is now 7½ cents per lb., 20 per cent. on a part, and 22½ per cent. on another part *ad valorem*. On collars of cotton or linen, on which the present duty is 30 per cent., we have added 24 cents specific duty, as fostering protection to the seamstresses of the country. On newspapers partly printed and intended to be complete and published in Canada, 25 per cent. *ad valorem*. That is to settle a disputed question in the Customs Department, and we give still greater protection to our own printers who furnish much more valuable matter within the country than that which is imported from outside. We have increased the duty on shirts of cotton or linen by \$1 per dozen. The resolution with reference to articles imported for the Government, for Parliament, and for the use of the army and navy, makes no alteration of the duty, but it is only explanatory of items 532 and 533. The resolution with regard to anthracite coal repeals item 101, which provided for a duty of 50 cents per ton, and occasions a loss to the revenue of about half a million, the amount collected last year having been \$497,000.

Mr. MITCHELL.—How about bituminous coal?

Sir CHARLES TUPPER.—It remains as before. The effect of the removal of the duty on anthracite coal will be not only to give great relief to the public who use anthracite coal, but also to give a great relief to the manufacturers of iron, who will have to pay on their raw material a larger price than before; but they will receive a considerable portion of that back in the form of remitted duty, the amount remitted being equal to all we will receive the coming year from the increased duty on iron. Of course anthracite coal stands in a different position from bituminous as it is not produced in the country. In the resolution with respect to scrap iron and scrap steel, we draw a distinction between imported scrap and scrap that is the result of wrecks upon the coast. The former duty of \$2 per ton on imported scrap is restored, and I am afraid that is the principal blot on the policy as propounded, for, to carry out the principle, it ought to be \$4 a ton, the same as iron.

Sir RICHARD CARTWRIGHT.—Will the hon. gentleman state how many changes there are altogether?

Sir CHARLES TUPPER.—I think there are about one hundred and twenty. I now move that you do now leave the Chair, and that the House resolve itself into Committee on the following resolutions:—

1. RESOLVED, That it is expedient to repeal the following items in Schedule "A" of the Act 49 Vict. chap. 33, intituled "An Act respecting the Duties of Customs"—Consolidated Statutes, 1886, viz.:—Numbers 7, 31, 32, 37, 39, 44, 51, 72, 83, 101, 125, 126, 133, 137, 138, 144, 145, 146, 147, 154, 161, 181, 192, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 234, 237, 238, 240, 241, 244, 245, 246, 248, 251, 252, 254, 255, 275, 278, 282, 317, 318, 329, 330, 331, 333, 339, 346, 352, 354, 356, 365, 366, 368, 383, 403, 404, 406, 409, 439, 447, 453, 455, 456, 458, 462, 473, and 475, and to make other provisions in lieu thereof as follows:—

1. Blacking, shoe, and shoemakers' ink, thirty per cent. *ad valorem*. Harness and leather dressing, twenty-five per cent. *ad valorem*.
2. Bluing, laundry bluing of all kinds, thirty per cent. *ad valorem*.

3. Advertising pictures, pictorial show-cards, illustrated advertising periodicals, illustrated price list, advertising calendars, advertising almanacs, and tailors' and mantle-makers' fashion plates, a specific duty of six cents per pound and twenty per cent. *ad valorem*.
4. Advertising pamphlets not illustrated, a specific duty of one cent each.
5. Braces or suspenders, thirty-five per cent. *ad valorem*.
6. Buttons of vegetable ivory, horn or composition, a specific duty of ten cents per gross and twenty-five per cent. *ad valorem*.
7. Buggies of all kinds, farm waggons, farm, railway & freight carts, pleasure carts or gigs and similar vehicles, costing less than fifty dollars, a specific duty of ten dollars each; costing fifty dollars and less than one hundred dollars, a specific duty of fifteen dollars each, and in addition thereto in each case, twenty per cent. *ad valorem*.
- 7a. All such carriages costing one hundred dollars each and over, thirty-five per cent. *ad valorem*.
8. Cotton sewing thread on spools, twenty-five per cent. *ad valorem*.
9. Jeans and coutilles, when imported by corset makers for use in their factory, twenty-five per cent. *ad valorem*.
10. Printed or dyed cotton fabrics, not elsewhere specified, thirty-two and a half per cent. *ad valorem*.
11. Earthenware and stoneware, namely, demijohns or jugs, churns and crocks, a specific duty of three cents per gallon of holding capacity.
12. Earthenware and stoneware, brown or coloured, Rockingham ware, white granite or iron stoneware, C. C. or cream coloured ware; decorated, printed or sponged, and all earthenware not elsewhere specified, thirty-five per cent. *ad valorem*.
13. Flagstones, sawn or otherwise dressed, a specific duty of two dollars per ton.
14. Glass carboys and demijohns, bottles and decanters, flasks and phials, of less capacity than four ounces, thirty per cent. *ad valorem*.
- 14a. Flasks and phials of four-ounce capacity and over, telegraph and lightning rod insulators, jars and glass balls, and cut, pressed, or moulded tableware, a specific duty of ten cents per dozen pieces, and thirty per cent. *ad valorem*.
15. Gold and silver leaf, thirty per cent. *ad valorem*.
16. Sewing machines whole, or heads or parts of heads of sewing machines, a specific duty of three dollars each and twenty per cent. *ad valorem*.
17. Leather, sole, a specific duty of three cents per pound.
- 17a. Leather, belting leather, and all upper leather, including kid, lamb, sheep, and calf, tanned or dressed, but not coloured, waxed, or glazed, fifteen per cent. *ad valorem*.
18. Japanned, patent or enamelled, twenty-five per cent. *ad valorem*.
19. Liquorice root, paste extract of, a specific duty of two cents per pound.
20. Oil cloth, floor, a specific duty of five cents per square yard, and twenty per cent. *ad valorem*.
21. Oil cloth in the piece, cut or shaped, oiled, enamelled, stamped, painted, or printed, India rubbered, flocked or coated, not otherwise provided for, a specific duty of five cents per square yard, and twenty per cent. *ad valorem*.
22. Paper hangings, or wall paper in rolls, the following specific duties on each eight yards of the following descriptions, viz.:—
 - a. Brown blanks, two cents.
 - b. White papers, grounded papers, and satins, three cents.
 - c. Single point bronzes, seven cents.
 - d. Coloured bronzes, nine cents.
 - e. Embossed bronzes, eleven cents.
 - f. Coloured borders, narrow, eight cents.
 - g. Coloured borders, wide, ten cents.
 - h. Bronze borders, narrow, fifteen cents.
 - i. Bronze borders, wide, eighteen cents.
 - j. Embossed borders, twenty cents.
23. Paper of all kinds not elsewhere specified, twenty-two and one-half per cent. *ad valorem*.
24. Tissue paper, white or coloured, when imported by manufacturers for use in their factory, ten per cent. *ad valorem*.
25. Pickles in bottle, a specific duty of forty cents per gallon, sixteen half-pint, eight pint, or four quart bottles to be held to contain a gallon: In jars, bottles, or

other vessels the quantity to be ascertained and the same rate of duty to be charged thereon, the duty to include the bottle and other packages.

- 25a. Pickles in bulk, in vinegar, or vinegar and mustard, thirty-five cents per gallon, and in brine, twenty-five cents per gallon.
26. Sauces and catsups, in bottle, a specific duty of forty cents per gallon, and twenty per cent. *ad valorem* : sixteen half-pint, eight pint, or four quart, bottles to be held to contain a gallon.
27. Plated cutlery, namely, knives plated wholly or in part, costing under three dollars and fifty cents per dozen, a specific duty of fifty cents per dozen and twenty per cent. *ad valorem*.
- 27a. All other plated ware, electro-plated or gilt of all kinds, whether plated wholly or in part, thirty per cent. *ad valorem*.
28. Plumbago, ten per cent. *ad valorem*.
- 28a. Plumbago, all manufactures of not elsewhere specified, twenty-five per cent. *ad valorem*.
29. Salt, coarse, ten cents per one hundred pounds (not to include salt imported from the United Kingdom or any British possession, or salt imported for the use of the sea or gulf fisheries, which shall be free of duty).
- 29a. Salt, fine, in bulk, a specific duty of ten cents per one hundred pounds.
30. Salt, in bags, barrels, or other packages, a specific duty of fifteen cents per hundred pounds, the bags, barrels, or other packages to bear the same duty as if imported empty.
31. Sand paper, glass, flint, and emery paper, thirty per cent. *ad valorem*.
32. Slates, school and writing slates, a specific duty of one cent each and twenty per cent. *ad valorem*.
33. Cigars and cigarettes, a specific duty of two dollars per pound and twenty-five per cent. *ad valorem*. The weight of cigarettes to include the weight of the paper covering.
34. Trunks of all kinds, thirty per cent. *ad valorem*.
- 34a. Valises, satchels, carpet bags, pocket books and purses, a specific duty of ten cents each and thirty per cent. *ad valorem*.
35. Varnishes, lacquers, japans, japan driers, liquid driers, collodion and oil finish, not elsewhere specified, a specific duty of twenty cents per gallon and twenty-five per cent. *ad valorem*.
36. Potatoes, a specific duty and fifteen cents per bushel.
37. Tomatoes, fresh, a specific duty of thirty cents per bushel and ten per cent. *ad valorem*.
38. Vegetables not elsewhere specified, including sweet potatoes, twenty-five per cent. *ad valorem*.
39. Watch actions or movements, ten per cent. *ad valorem*.
40. All fabrics composed wholly or in part of wool, worsted, the hair of the Alpaca goat or other like animals, viz. :—Blankets, flannels, cloths, doeskins, cassimers, tweeds, coatings, overcoatings, felt cloths, horse collar cloth, alpacas, Italian cloths, cobourgs, merinos, and all similar fabrics, not otherwise provided for; also manufactures composed of same materials, viz. :—Yarn, knitting yarn, fingering yarn, worsted yarn, and knitted goods, viz. :—Shirts and drawers, and hosiery, not elsewhere specified, a specific duty of seven and a half cents per pound and twenty per cent. *ad valorem*.
41. Barrels containing pork or other salted meats, a specific duty of twenty-five cents each.
42. British gum, dressing, sizing cream and enamel sizing, a specific duty of one cent. per pound.
43. Collars of cotton or linen, a specific duty of twenty-four cents per dozen, and thirty per cent. *ad valorem*.
44. Cuffs of cotton or linen, a specific duty of four cents per pair and thirty per cent. *ad valorem*.
45. Gas meters, thirty per cent. *ad valorem*.
46. Glue, sheet, broken sheet and ground, a specific duty of three cents per pound.
47. Mucilage, thirty per cent. *ad valorem*.
48. Newspapers, partly printed and intended to be completed and published in Canada, twenty-five per cent. *ad valorem*.
49. Photographic dry plates, a specific duty of fifteen cents per square foot.
50. Shirts, of cotton or linen, a specific duty of one dollar per dozen and thirty per cent. *ad valorem*.

51. Veneers of wood, sawn only, ten per cent. *ad valorem*.
52. Coloured fabrics, woven or dyed or coloured cotton yarn, or part jute and part cotton yarns, or other material, except silk, not elsewhere specified, twenty-five per cent. *ad valorem*.
53. Fertilizers, artificial, of all kinds, a specific duty of six dollars per ton.
54. Maccaroni and vermicelli, a specific duty of two cents per pound.
55. Oranges and lemons, in boxes of capacity not exceeding two and one-half cubic feet, twenty-five cents per box; in one-half boxes capacity not exceeding one and one-fourth cubic feet, thirteen cents per half box; in cases and all other packages ten cents per cubic foot holding capacity; in bulk, one dollar and sixty cents per one thousand oranges or lemons; in barrels not exceeding in capacity that of the one hundred and ninety-six pounds flour barrel, fifty-five cents per barrel.
56. Paper, tarred, a specific duty of one-half cent per pound.
57. Spectacles and eye glasses, thirty per cent. *ad valorem*.
- 57a. Parts of spectacles and eye glasses, unfinished, twenty-five per cent. *ad valorem*.
58. Moss, Iceland, and other mosses, fifteen per cent. *ad valorem*.
59. Axes—chopping axes, a specific duty of two dollars per dozen and ten per cent. *ad valorem*.
60. Broad and ship axes, adzes, and hammers weighing ten pounds and over, a specific duty of three dollars per dozen and twenty per cent. *ad valorem*.
61. All other axes, hatchets, hammers, hay knives, and four and five pronged forks of all kinds, a specific duty of two dollars per dozen and twenty per cent. *ad valorem*.
62. Hoes, garden rakes, two and three pronged forks of all kinds, picks and mattocks, a specific duty of one dollar per dozen and twenty per cent. *ad valorem*.
63. Shovels and spades, a specific duty of one dollar per dozen and twenty per cent. *ad valorem*.
64. Mowing machines, self-binding harvesters, harvesters without binders, binding attachments, reapers, sulky and walking ploughs and all other agricultural machines and implements not otherwise provided for, thirty-five per cent. *ad valorem*.
65. Grape vines costing twenty cents and less, five cents each.
66. Gooseberry bushes, two cents each.
67. Raspberry and blackberry bushes, one cent each.
68. Peach trees, four cents each.
69. Rosebushes, five cents per plant.
70. Seedling stock for grafting, viz.:—Plum, pear, peach, and other fruit trees, ten per cent. *ad valorem*.
71. Manufactures of iron and steel, viz.:—Wrought iron, scrap iron and scrap steel being waste or refuse wrought iron or steel that has been in actual use and is fit only to be re-manufactured, two dollars per ton.
72. Ferro-manganese, ferro-silicon, speigel, steel bloom ends, and crop ends of steel rails, for the manufacture of steel, two dollars per ton.
73. Iron in pigs, iron kentledge and cast scrap iron, four dollars per ton.
74. Iron in slabs, blooms, loops, puddled bars, or other forms less finished than iron in bars, and more advanced than pig iron, except castings, nine dollars per ton.
75. (a.) Bar iron rolled or hammered, comprising flats not less than one inch wide, nor less than three-eighths of one inch thick, eleven dollars per ton.
76. (b.) Comprising round iron not less than three-fourths of one inch in diameter, and square iron not less than three-fourths of one inch square, thirteen dollars per ton.
77. (c.) Comprising flats less than one inch or less than three-eighths of one inch thick, round iron less than three-fourths of one inch and not less than seven-sixteenths of one inch square, fifteen dollars per ton.
78. Rolled round iron in coils or rods less than seven-sixteenths of one inch in diameter, and bars and shapes of rolled iron, not elsewhere provided for, twenty-five per cent. *ad valorem*.
79. Iron or steel rolled round wire rods under half an inch in diameter when imported by wire manufacturers for use in their factories, five per cent. *ad valorem*.
80. Iron and steel wire, galvanised or not, smaller than number five gauge and not smaller than number fifteen gauge, twenty per cent. *ad valorem*.

81. Wire of spring steel, coppered or tinned, number nine gauge or smaller, twelve and a-half per cent. *ad valorem*.
82. (a.) Boiler or other plate iron, sheared or unsheared, skelp iron, sheared or rolled in grooves, and sheet iron, common or black, not thinner than number twenty gauge, not elsewhere specified, ten dollars per ton.
83. (b.) Sheet iron, common or black, smoothed or polished, and coated or galvanized, thinner than number twenty gauge Canada plates and boiler plate of iron or steel not less than thirty inches wide, and valued at not less than one and a-half cents per pound, twelve and a-half per cent. *ad valorem*.
84. (a.) Hoop or band or scroll or other iron, eight inches or less in width and not thinner than number twenty gauge, thirteen dollars per ton.
85. (b.) Hoop or band or scroll or other iron, eight inches or less in width and thinner than number twenty gauge, twelve and a-half per cent. *ad valorem*.
86. Iron railway bars, steel T rails weighing not over twenty-five pounds per lineal yard, iron or steel flat rails punched, and iron or steel railway fish plates, nine dollars per ton.
87. Rolled channels and angle and T iron, and rolled eyebar blanks made by the Kloman process, when imported by manufacturers of bridges for use exclusively in their own manufactures, twelve and a-half per cent. *ad valorem*.
88. Iron bridges and structural iron work, twenty-five dollars per ton, provided that the duty shall not be less than thirty per cent. *ad valorem*.
89. Forgings of iron and steel, or forged iron of whatever shape or in whatever stage of manufacture, not elsewhere specified, thirty dollars per ton, provided that the duty shall not be less than thirty-five per cent. *ad valorem*.
90. Steel ingots, cogged ingots, blooms and slabs, by whatever process made, billets and bars, bands, hoops, strips and sheets of all gauges and widths, all of above classes of steel not elsewhere provided for valued at four cents or less per pound, thirty per cent. *ad valorem*, but not less than ten dollars per ton.
91. When of greater value than four cents per pound, twelve and a half per cent. *ad valorem*.
92. Steel not specially enumerated or provided for, thirty per cent. *ad valorem*.
93. Provided that on all iron or steel bars, rods, strips or steel sheets, of whatever shape, and on all iron or steel bars of irregular shape or section, cold rolled, cold hammered or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-sixth of one cent per pound in addition to the rates imposed on the said materials.
94. Provided further, that all metal produced from iron or its ores, which is cast and malleable, of whatever description of form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores by the crucible, Bessemer, pneumatic, Thomas Gilchrist, basic, Siemens-Martin or open hearth process, or by the equivalent of either, or by the combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores, a metal either granulous or fibrous in structure, which is cast and malleable, except what is known as malleable iron castings, shall be classed and denominated as steel.
And provided further that all articles rated as iron or manufacture of iron, shall be chargeable with the same rate of duty if made of steel, or of steel and iron combined, unless otherwise specially provided for.
95. Malleable iron castings, and steel castings not elsewhere specified, twenty-five dollars per ton, provided the duty shall not be less than thirty per cent. *ad valorem*.
96. Cast-iron vessels, plates, stone plates and irons, sad irons, hatters' irons, tailors' iron and castings of iron not elsewhere specified, sixteen dollars per ton, provided the duty shall not be less than thirty per cent. *ad valorem*.
97. Cast iron pipe of every description, twelve dollars per ton.
98. Iron or steel axles, parts thereof, axle bars, axle blanks or forgings for axles without reference to the stage of manufacture, thirty dollars per ton, but not less than thirty-five per cent. *ad valorem*.
99. Engines, boilers and machinery, viz. :—
(a.) Fire engines, thirty-five per cent. *ad valorem*.
100. (b.) Locomotives and other steam engines, boilers and machinery composed wholly or in part of iron or steel, not elsewhere specified, thirty per cent. *ad valorem*.

101. Portable machines, portable steam engines, threshers and separators, horse powers, portable saw mills and planing mills and parts thereof in any stage of manufacture, thirty-five per cent. *ad valorem*.
 102. Locomotive tires of Bessemer steel in the rough, ten per cent. *ad valorem*.
 103. (a.) Boiler tubes or flues or stays of wrought-iron or steel, fifteen per cent. *ad valorem*.
 104. (b.) Wrought-iron tubing, plain, not threaded, coupled or otherwise manufactured, over two inches in diameter, fifteen per cent. *ad valorem*.
 105. (c.) Other wrought-iron or steel tubes or pipes, thirty per cent. *ad valorem*.
 106. Safes, doors for safes and vaults, scales, balances and weighing beams of iron or steel, thirty-five per cent. *ad valorem*.
 107. Skates, twenty cents. per pair and thirty per cent. *ad valorem*.
 108. Wire rope of iron or steel, not otherwise provided for, twenty-five per cent. *ad valorem*.
 109. Sledges, track tools, wedges and crow bars of iron or steel, one and one-quarter cent. per pound and thirty per cent. *ad valorem*.
 110. Hardware, viz. :—Builders', cabinet-makers', and carriage hardware and locks, thirty-five per cent. *ad valorem*.
 111. Muskets, rifles, and other firearms and surgical instruments, twenty per cent. *ad valorem*.
 112. Nails and spikes, wrought and pressed, galvanized or not, and wrought-iron or steel nuts and washers, and horse, mule or ox shoes, one and one-third cents. per pound.
 113. Horse shoe nails, hob nails and wire nails, and all other wrought-iron or steel rails, not elsewhere specified, two and one-half cents. per pound.
 114. Cut tacks, brads or sprigs, not exceeding sixteen ounces to the thousand, two cents. per thousand.
Exceeding sixteen ounces to the thousand, two cents. per pound.
 115. Iron or steel rivets, bolts with or without threads, or nuts or bolt blanks, and finished hinges or hinge blanks, one and two-third cents. per pound.
 116. Cut nails and spikes of iron or steel, one cent. per pound.
 117. Street railway bars or rails weighing not less than twenty-five pounds per lineal yard for purposes other than railway tracks, six dollars per ton.
 118. Manufactures, articles or wares not specially enumerated or provided for, composed wholly or in part of iron or steel, and whether partly or wholly manufactured, thirty per cent. *ad valorem*.
 119. Labels for fruit, vegetables, meat, fish, confectionery and other goods, also tickets, posters, advertising bills and folders, fifteen cents. per pound and twenty-five per cent. *ad valorem*.
 120. Printing presses of all kinds, folding machines and paper cutters, ten per cent. *ad valorem*.
2. *Resolved* :—That it is also expedient to repeal the following items in Schedule "C" of the same Act, viz. :—Nos. 532, 533, 549, 599, 639, 662, 694, 700, 767, 770, 797, and 806, and to enact as follows, viz. : The undermentioned items shall be free of duty :—
1. Articles imported by and for the use of the Dominion Government or any of the departments thereof or by and for the Senate or House of Commons, and the following articles when imported by and for the use of the Army and Navy, viz. :—Arms, military or naval clothing, musical instruments for bands, military stores and munitions of war.
 2. Brick, fire.
 3. Coal, anthracite.
 4. Cotton yarns finer than No. 40, unbleached, bleached or dyed for use in the manufacture of Italian cloths, cotton, worsted or silk fabrics.
 5. Gannister.
 6. Gums, amber, arabic, Australian, copal, damar, mastic, sandarac, shellac, and tragacanth.
 7. Quills in their natural state or unflumed.
 8. Steel rails, weighing not less than twenty-five pounds per lineal yard, for use in railway tracks.
 9. Steel valued at two and one-half cents per pound and upwards for use in the manufacture of skates.

10. Scrap iron and scrap steel, old and fit only to be re-manufactured, being part of or recovered from any vessel wrecked in waters subject to the jurisdiction of Canada.
11. Steel bowls for cream separators. Steel for the manufacture of files, when imported by file manufacturers for use in their factories.
12. Veneers of ivory, sawn only.

3. *Resolved* :—That it is expedient to repeal item No. 816 in Schedule “E” of tariff of Customs duties, and to substitute the following in lieu thereof, viz. :—

Shingle bolts of pine or cedar, and cedar logs capable of being made into shingle bolts, one dollar and fifty cents per cord of one hundred and twenty-eight cubic feet.

4. *Resolved* :—That it is expedient to repeal section 8, chapter 33, 49 Victoria, Consolidated Statutes, and to enact the following in lieu thereof :—

Except in cases otherwise specially provided for in the schedule to the tariff, packages manufactured of glass, tin, iron, or other metals, crates, barrels, or other packages containing earthenware, china, porcelain, crockery, glassware, glass or other brittle goods, cases containing bottled spirits, wines, malt liquors, or other bottled goods, together with all articles used as first receptacles or packages for goods of any kind in which such goods are packed for purposes of sale or not solely for exportation, except as herein-after provided, shall be chargeable with the same rate of duty as the goods contained therein, if such duty be *ad valorem*, but if such duty be specific, or *ad valorem* and specific, or if when *ad valorem* alone, such named duty would be less than that to which such receptacles or packages would be liable under the tariff in force at the date of importation if they were imported empty, or if the goods therein be free of duty, then the duty shall be that to which such receptacles or packages would be liable if imported empty; but all other packages being the usual and ordinary ones in which goods are packed for exportation only, according to the general usage and customs of trade, shall be free of duty.

5. *Resolved* :—That it is expedient to provide that the foregoing resolutions, and the alterations thereby made in the duties of Customs on the articles therein mentioned, shall take effect on and after the 13th of May instant.

No. 31.

THE BARROW-IN-FURNESS CHAMBER OF COMMERCE to
COLONIAL OFFICE.

The Barrow-in-Furness Chamber of Commerce,
Barrow-in-Furness, June 25, 1887.

SIR,

CANADIAN DUTIES.

By direction of this Chamber I enclose a memorial adopted at the last meeting in reference to this matter.

I am, &c.

(Signed) C. F. PRESTON,
Secretary.

The Right Hon. Sir H. T. Holland, M.P.,
Colonial Office, Whitehall, S.W.

Enclosure in No. 31.

To the Right Honourable Sir H. T. HOLLAND, M.P., Colonial Office.

The humble MEMORIAL of the BARROW-IN-FURNESS CHAMBER OF COMMERCE.

SHEWETH :

That your memorialists learn that the Canadian Government propose to largely increase the import duties on iron and steel :

That your memorialists are of opinion that the proposals would, if carried into effect, prove highly detrimental to the iron and steel trade of this country, and would materially

affect the town of Barrow-in-Furness and the district, which are largely dependent upon the iron and steel industry :

Your memorialists, therefore, humbly pray the Canadian Government not to increase the said duties :

And your memorialists will ever pray, &c.

(Signed) THOS. BARLOW-MYSICKS,
President.

(Signed) C. F. PRESTON,
Secretary.

Barrow-in-Furness, June 6, 1887.

No. 32.

THE MANCHESTER CHAMBER OF COMMERCE to COLONIAL
OFFICE.

Chamber of Commerce, Manchester,
June 30, 1887.

SIR,

I AM desired by the President of this Chamber to forward you the annexed copy of a resolution passed yesterday by the Board, referring to the terms of the new Canadian Tariff Bill, and to solicit your kind attention to the terms of the resolution.

I have, &c.

(Signed) J. FOX TURNER,
Secretary.

The Right Hon. Sir Henry Holland,
Secretary of State for the Colonies.

Enclosure in No. 32.

RESOLUTION.

"That this Chamber learns with very great regret that the Canadian Government have introduced a Tariff Bill, which provides for a considerable increase of the duties now levied on iron and steel manufactured in and imported from the United Kingdom.

"This Chamber is of opinion that any such increase of the tariff duties would be detrimental to the trade of the United Kingdom, as well as prejudicial to the agricultural and other interests in Canada, and, therefore, trusts that Her Majesty's Government will use its influence to obtain the withdrawal of the Tariff Bill."

No. 33.

The MARQUIS OF LANSDOWNE to SIR H. T. HOLLAND.
(Received July 4, 1887).

Government House, Ottawa,
June 22, 1887.

SIR,

I HAVE the honour to enclose herewith copy of a memorandum,* which has been prepared by Sir Charles Tupper, my Minister of Finance, respecting the operation of the new duties recently imposed by the Canadian Parliament upon imports of iron and steel.

The memorandum has been prepared with the object of showing the manner in which these duties will affect imports from Great Britain as compared with those from foreign countries.

I have &c.

(Signed) LANSDOWNE.

The Right Hon. Sir Henry Holland,
&c. &c. &c.

* Enclosure in No. 50.

33

No. 34.

THE BRITISH IRON TRADE ASSOCIATION to COLONIAL OFFICE.

Victoria Mansions, Victoria Street, London, S.W.,

July 5, 1887.

SIR,

I BEG to enclose herewith half a dozen copies of the memorandum* which was submitted to you some time ago, on the occasion of your being waited upon by myself and others in reference to the Canadian tariff. Copies of the document in question have been sent to a number of Chambers of Commerce throughout the country, most of whom, I believe, have taken action upon it. It is probable that you may find the enclosed copies of use in any negotiations that may be opened up between yourself and the Canadian Government on the subject.

Yours faithfully,
(Signed) J. J. JEANS,
Secretary.

Sir Henry Holland, M.P., &c.

No. 35.

COLONIAL OFFICE to the MANCHESTER CHAMBER OF COMMERCE.

SIR,

Downing Street, July 7, 1887.

I AM directed by Secretary Sir Henry Holland to acknowledge the receipt of your letter of the 30th ult.,† relating to the new Canadian Tariff Bill, and I am to acquaint you, for the information of the President of the Manchester Chamber of Commerce, that the resolution, which you enclose, passed by the Chamber on this subject will be forwarded to the Governor-General of Canada for communication to his Ministers.

I am to add that papers are about to be given to Parliament on this subject, and will include a minute by the Canadian Finance Minister received here on Monday last.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

The Secretary to the Chamber of Commerce,
Manchester.

No. 36.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, July 7, 1887.

I HAVE the honour to transmit to your Lordship, for communication to your Ministers, a copy of a letter† from the Manchester Chamber of Commerce enclosing a resolution passed by the Chamber relating to the terms of the new Canadian Tariff Bill.

I am also to enclose a copy of the reply‡ which has been returned to the Chamber of Commerce by my direction.

I have, &c.

(Signed) H. T. HOLLAND.

The Marquis of Lansdowne.

No. 37.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, July 7, 1887.

I HAVE the honour to transmit to your Lordship herewith, to be laid before your Ministers, a copy of a memorial§ received from the Chamber of Commerce of Barrow-in-Furness relating to the proposed increase in the duties imposed in Canada on imports of iron and steel.

* No. 7.

† No. 32.

‡ No. 35.

§ Enclosure in No. 31.

Your Government are aware from previous communications which I have already forwarded to you, that great dissatisfaction is felt in this country amongst mercantile firms interested in the iron trade in consequence of the action of the Government of the Dominion in proposing the imposition of these duties, and the matter has also formed the subject of discussion in both Houses of Parliament, where much adverse opinion has been expressed.

I think it right to call your attention to the feeling which exists in this country, and have no doubt that your Government will give due consideration to the various representations which have been made upon the subject.

The Marquis of Lansdowne.

I have, &c.
(Signed) H. T. HOLLAND.

No. 38.

COLONIAL OFFICE to the BARROW-IN-FURNESS CHAMBER
OF COMMERCE.

SIR,

Downing Street, July 8, 1887.

I AM directed by Secretary Sir Henry Holland to acknowledge the receipt of your letter of the 25th ult.,* enclosing a memorial adopted by the Barrow-in-Furness Chamber of Commerce relating to the Canadian Tariff Bill and the duties on iron and steel.

Sir Henry Holland has forwarded a copy of this memorial to the Governor-General of Canada to be laid before his Ministers, from whom he doubts not that it will receive due consideration together with other representations upon the same subject which have been already communicated to the Governor-General.

I am, &c.

The Secretary to the (Signed) ROBERT G. W. HERBERT.
Barrow-in-Furness Chamber of Commerce.

No. 39.

COLONIAL OFFICE to THE BRITISH IRON TRADE ASSOCIATION.

SIR,

Downing Street, July 9, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge, with thanks, the receipt of your letter of the 5th instant,† enclosing copies of a printed memorandum as to the proposed increase of Canadian tariff duties.

I am to inform you that a copy of this memorandum was received in this department, and communicated to the Governor-General of Canada in a despatch, dated the 25th of May.‡

I am, &c.

The Secretary to the British Iron Trade. (Signed) JOHN BRAMSTON.

No. 40.

COLONIAL OFFICE to the LEEDS INCORPORATED CHAMBER
OF COMMERCE.

SIR,

Downing Street, July 15, 1887.

WITH reference to your letter of the 4th ult.,§ and to the reply from this Department of the 14th of June,|| respecting the Canadian duties on iron, steel, and cloth, I am directed by the Secretary of State for the Colonies to inform you that papers on this subject will shortly be given to Parliament, including a minute by the Canadian Finance Minister.

I am, &c.

The Secretary to the (Signed) JOHN BRAMSTON.
Leeds Incorporated Chamber of Commerce.

* No. 31.

† No. 34.

‡ No. 10.

§ No. 14.

|| No. 21.

No. 41.

THE CARDIFF CHAMBER OF COMMERCE to COLONIAL OFFICE.

Incorporated Chamber of Commerce, Cardiff,
July 30, 1887.

SIR,

THE proposal to increase the rates of duty on iron and steel imported into Canada has been considered by my Chamber, with the result, that I am directed to say, they view with alarm the proposed alteration, which they feel sure will prove most prejudicial, not only to the iron and steel trades of this country, but to Canada itself.

I am further directed to ask that you will make such representations to the Canadian Government, as may cause them to hesitate before carrying out such suicidal policy as that contemplated.

I am, &c.
(Signed) W. L. HAWKINS,
Secretary.

To the Right Hon. E. Stanhope, M.P.,
Secretary of State for the Colonies.

No. 42.

THE BRISTOL CHAMBER OF COMMERCE to COLONIAL OFFICE.

The Bristol Incorporated Chamber of Commerce
and Shipping, Guildhall, Small Street, Bristol,
August 3, 1887.

SIR,

I AM desired by the council of this chamber to forward you the accompanying Memorial on Canadian Tariffs.

I am, &c.
(Signed) HENRY J. SPEAR,
Secretary.
To the Right Hon.
Sir Henry Thurstan Holland, G.C.M.G., M.P.,
Secretary of State for the Colonies.

Enclosure in No. 42.

To the Right Hon. SIR HENRY THURSTAN HOLLAND, G.C.M.G., M.P., Her Majesty's
Secretary of State for the Colonies.

The humble MEMORIAL of the BRISTOL INCORPORATED CHAMBER of COMMERCE and
SHIPPING.

SHEWETH,

THAT your memorialists learn with great concern that the Dominion Government have proposed to establish a prohibitive duty on iron and steel with the object of protecting the native industry.

That your memorialists are of opinion that the placing the prohibitive duties on such import is calculated to operate injuriously upon the trade both of Great Britain and of Canada, and also to cause a great amount of dissatisfaction amongst the manufacturing and working classes.

That if the tariff is maintained, it will prejudicially affect and almost entirely destroy a large amount of trade that has hitherto been carried on between this country and Canada.

That your memorialists therefore strongly urge upon Her Majesty's Government the desirability of using their influence in obtaining a further revision of the new Canadian Tariff.

(Signed) C. W. ALLEN, President.
(Signed) BENJN. PERRY, Vice-President.
(Signed) HENRY J. SPEAR, Secretary.

Bristol, 27th July 1887.

No. 43.

COLONIAL OFFICE to the CARDIFF AND BRISTOL CHAMBERS OF COMMERCE.

SIR, Downing Street, August 6, 1887.
I AM directed by Secretary Sir H. Holland to acquaint you, for the information of the Cardiff Chamber of Commerce the Bristol Incorporated Chamber of Commerce and Shipping, that a copy of your letter of the 30th ultimo* the Memorial which accompanied your letter of the 3rd instant† has been forwarded to the Governor-General of Canada, to be laid before his Ministers.

I am, &c.
(Signed) R. H. MEADE.
The Secretary to the Cardiff Chamber of Commerce.
Bristol Incorporated Chamber of Commerce and Shipping.

No. 44.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD, Downing Street, August 6, 1887.
I HAVE the honour to transmit to you, for the consideration of your Ministers, a copy of a letter* from the Cardiff Chamber of Commerce, and a copy of a Memorial† from the Bristol Incorporated Chamber of Commerce and Shipping, on the subject of the increase in the import duties on iron and steel.

I have, &c.
(Signed) H. T. HOLLAND.
The Marquis of Lansdowne.

No. 45.

COLONIAL OFFICE to the HIGH COMMISSIONER FOR CANADA.

SIR, Downing Street, August 6, 1887.
I AM directed by Secretary Sir H. Holland to transmit to you a copy of a letter* from the Cardiff Chamber of Commerce, and a copy of a Memorial† from the Bristol Incorporated Chamber of Commerce and Shipping, on the subject of the increase in the import duties on iron and steel.

Copies of these papers have also been sent to the Governor-General.
I am, &c.
(Signed) R. H. MEADE.
The High Commissioner for Canada.

No. 46.

THE WALSALL CHAMBER OF COMMERCE to COLONIAL OFFICE.
(Received August 8, 1887.)

TO HER MAJESTY'S SECRETARY OF STATE FOR THE COLONIES.

The MEMORIAL of the WALSALL and DISTRICT CHAMBER OF COMMERCE

HUMBLY SHEWETH,

THAT your Memorialists are of opinion that the policy of the Canadian Government, as exhibited in their new tariff charges, in placing prohibitive duties upon the import of iron and other goods in which this district is so largely interested, is calculated to operate injuriously upon the trade both of Great Britain and of Canada. And that if the tariff be maintained it will prejudicially affect, if not entirely destroy, a large amount of trade that has hitherto been carried on between this country and Canada.

* No. 41.

† No. 42.

37

Your Memorialists would, therefore, most strongly urge upon the Colonial Secretary the necessity of using his influence to obtain a remission of the new Canadian tariff charges.

Signed on behalf of the Chamber, July 28, 1887.

FRANK JAMES, President.
GEO. BYTHEWAY, Secretary.

No. 47.

COLONIAL OFFICE to the WALSALL CHAMBER OF COMMERCE.

SIR,

Downing Street, August 10, 1887.

I AM directed by the Secretary of State for the Colonies to acquaint you that the memorial on the subject of the increase in the Canadian import duties on iron goods, signed by the Secretary and yourself on behalf of the Walsall Chamber of Commerce, has been forwarded to the Governor-General for the consideration of the Dominion Government.

The President of the
Walsall Chamber of Commerce.

I am, &c.
(Signed) EDWARD WINGFIELD.

No. 48.

SIR H. T. HOLLAND to THE MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, August 10, 1887.

I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of a memorial* from the Walsall Chamber of Commerce respecting the increase in the Canadian import duties on iron and steel.

The Chamber of Commerce has been informed that their memorial has been referred to the Dominion Government.

The Marquis of Lansdowne.

I have, &c.
(Signed) H. T. HOLLAND.

No. 49.

COLONIAL OFFICE to the HIGH COMMISSIONER FOR CANADA.

SIR,

Downing Street, August 10, 1887.

I AM directed by Secretary Sir Henry Holland to transmit to you, for your information, a copy of a memorial* from the Walsall Chamber of Commerce, respecting the increase in the Canadian import duties on iron and steel.

The Chamber of Commerce has been informed that their memorial has been referred to the Dominion Government.

A copy of the memorial has been sent to the Governor-General for communication to his Ministers.

The High Commissioner for Canada.

I am, &c.
(Signed) B. H. MEADE.

* No. 46.

No. 50.

THE MARQUIS OF LANSDOWNE to SIR H. T. HOLLAND.
(Received August 12, 1887.)

SIR,

Casapedia, New Richmond, July 21, 1887.

I CAUSED to be referred for the consideration of my Ministers, copies of your despatches transmitting correspondence between the Colonial Office and the Liverpool Chamber of Commerce, and between the Colonial Office and the Birmingham Chamber of Commerce, respecting the recent changes in the Canadian duties on iron and steel and manufactures thereof, and I now have the honour to forward herewith, a copy of an approved report of a Committee of the Privy Council, to which is appended a memorandum prepared by my Minister of Finance upon the subject.

The Right Hon. Sir Henry Holland,
&c. &c. &c.

I have, &c.
(Signed) LANSDOWNE.

Enclosure in No. 50.

CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 30th June 1887.

The Committee of the Privy Council have had before them despatches, dated respectively 21st and 25th May 1887, from the Right Honourable the Secretary of State for the Colonies, transmitting correspondence between the Colonial Office and the Liverpool Chamber of Commerce, and between the Colonial Office and the Birmingham Chamber of Commerce, respecting the recent changes in the Canadian duties on iron and steel and manufactures thereof.

The Minister of Finance, to whom the papers were referred, submits herewith a memorandum respecting the recent changes made in the above-named duties, showing how they affect the interests of the British Empire as compared with those of foreign countries, from which memorandum it will be seen that in the adjustment of the duties, a large discrimination has been made on the whole in favour of British as against foreign industry, the higher rates of duty being imposed on manufactures the largest proportion of which in the aggregate are being imported from foreign countries.

The Committee recommend that your Excellency be moved to transmit a copy of the memorandum mentioned to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

MEMORANDUM respecting the CANADIAN IRON DUTIES as they affect the interests of the British Empire and of foreign countries.

The increased duties imposed by the Canadian Parliament on iron and steel have been stigmatised as an attack on British industry.

A careful examination of the British-Canadian iron and steel trade, in connection with the tariff changes, will not justify this accusation.

Adjoining the southern border line of Canada there extends from ocean to ocean the United States of America, a great nation of over 50 millions of people. They have attained an enormous industrial development under a highly protective tariff, which is still maintained, and under which comparatively high rates of wages prevail, controlling in a marked degree the price of labour in Canada. Placed in this position and under such circumstances, Canada is compelled in self-defence to adopt a tariff policy in some

measure approximating that of the United States, in order to protect domestic industries and to develop the natural resources of the Dominion.

Canada possesses, in an advantageous position, abundance of iron ore, fuel, and all the requisites for the manufacture of iron and steel.

In the steps taken by the Canadian Parliament to foster the manufacture of iron and steel and place the industry on a firm foundation at the outset, Canada is but following the methods adopted by Great Britain, France, Belgium, Germany, the United States, and other countries which have succeeded in promoting this great industry.

Whatever be the causes at work, and however disagreeable be the fact to the British manufacturer, it is undeniable that foreign wares are gradually but steadily displacing many British manufactures of iron and steel in the Canadian market.

In this competition it is notable that the highly "protective" country of the United States is the most formidable competitor in machinery, hardware, and articles made by skilled labour.

A memorandum is submitted herewith marked A. showing the course of the trade of Canada in iron and steel and manufactures thereof as respects Great Britain and the United States, proving the rapidity with which the United States have overtaken and passed Great Britain in competition for Canadian trade. This statement shows that while in 1868 the trade of the two countries with Canada in four classes comprising the higher forms of iron and steel goods requiring skilled labour was in the proportion of 58 per cent. by Great Britain and 42 per cent. by the United States, that trade has since become so revolutionised that during ten years (from 1877 to 1886 both inclusive) the proportion has been 70 per cent. for the United States and 30 per cent. for Great Britain.

Under these conditions, the pertinent question to be considered is this: How shall Canada overcome the increasing dependence on *foreign sources* for her enormous annual requirements of iron and steel?

Considering the magnitude of the interests involved and in view of Canada's rich and varied mineral resources, the effort to develop domestic production cannot be fairly characterised as an attack on British industry or opposed to the true interests of the Empire.

In the recent tariff changes the scale of duties adopted has not as a rule exceeded two-thirds of the rates now in force in the United States; and British iron and steel manufactures to the value of millions of dollars annually will be still admitted into Canada *free* or at a low rate of duty.

The following statements of imports into Canada, from the Trade Returns for the fiscal years ending 30th June 1881 and 1886, indicate the course and extent of the iron and steel trade with Canada at two periods five years apart, and speak for themselves:—

Particulars.	Percentage.	Imports from Britain.	Imports from other Countries.	Total Imports.
		\$	\$	\$
Iron and steel and manufacture thereof imported into Canada for year ending 30th June 1881, viz.:				
Dutiable - - - - -	55 per cent.	4,682,481	—	} 8,470,594
Do. - - - - -	45 per cent.	—	3,788,113	
Free of duty - - - - -	94 per cent.	3,749,510	—	} 3,996,497
Do. - - - - -	6 per cent.	—	246,987	
Total - - - - -	—	8,431,991	4,035,100	12,467,091
For year ending 30th June 1886, viz.:		\$	\$	\$
Dutiable - - - - -	50 per cent.	3,992,711	—	} 7,992,365
Do. - - - - -	50 per cent.	—	3,999,654	
Free of duty - - - - -	86 per cent.	2,628,571	—	} 3,047,334
Do. - - - - -	14 per cent.	—	418,763	
Total - - - - -	—	6,621,282	4,418,417	11,039,699

The amended tariff, if applied to the whole Canadian imports of iron and steel for the year ending 30th June 1886, shows the following result as near as can be estimated :

Particulars.	Percentage.	Imports from Britain.	Imports from other Countries.	Total Imports.
		\$	\$	\$
Free goods - - - - -	86 per cent.	2,568,531	—	} 2,988,155
Do. - - - - -	14 per cent.	—	419,624	
Imports subject to 12½ per cent. duty or less - - - - -	93 per cent.	808,637	—	} 863,491
	7 per cent.	—	54,854	
Imports subject to duty of over 12½ per cent., but not over 25 per cent. - - -	62 per cent.	559,760	—	} 904,274
	38 per cent.	—	344,514	
Imports subject to over 25 per cent. duty {	43 per cent.	2,684,354	—	} 6,283,779
	57 per cent.	—	3,599,425	
Total - - - - -	—	6,621,282	4,418,417	11,039,699

The above statement does not embrace military stores and articles imported by and for the use of the Canadian Government which are admitted *free* of duty.

In the adjustment of duties it will be seen that a large discrimination has been made on the whole in favour of British as against foreign industry, the higher rates of duty being imposed on manufactures the largest proportion of which in the aggregate are being imported from foreign countries.

By the changes made it cannot be claimed that any “great British industry has been unexpectedly attacked.”

All goods purchased prior to the recent changes (May 13) will be admitted at the old rate of duty, and as it will take Canada some time to attain any marked development in iron manufacture, imports will be made as usual in the heavier lines from Great Britain for a few years. Canada will still remain a valuable customer for the British iron manufacturer, and in many important branches of the trade the imports will be large for many years to come.

Canada has expended over \$100,000,000 in perfecting a trans-continental line of railway communication between the Atlantic and Pacific Oceans, which will be of the greatest advantage to Imperial interests.

In ceasing to be dependent on foreign sources for the production of materials which exist in profusion within her borders, and by the development of her great natural resources Canada may hope to attain a more prosperous position and become a source of strength to the British Empire.

IMPORTS.—IRON and STEEL MANUFACTURES into CANADA from the UNITED STATES and GREAT BRITAIN.

—	Whence imported.	1888. N.B.—Not included in totals at end.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	Total. 1877-86. i.e., 10 years.
*Interchangeable Mechanism - - -	G.B. {	2,077,618	58,418	70,385	67,347	72,263	83,702	232,919	175,344	89,699	64,457	57,905	972,419
	U.S. }		386,677	312,732	482,878	368,492	427,192	1,369,608	1,704,442	752,192	434,826	462,993	6,702,032
Hardware, Cutlery, and Edge tools - - -	G.B. {	1,475,603	1,062,657	927,897	799,532	942,806	996,228	1,164,068	1,159,145	949,757	671,402	890,156	9,563,648
	U.S. }		2,146,851	2,784,455	1,756,121	1,124,569	1,555,251	1,692,860	1,889,540	2,033,388	1,428,681	1,506,798	17,918,223
Machinery - - -	G.B. {	1,475,603	130,739	68,683	70,299	192,033	266,688	816,341	907,031	465,825	149,942	136,406	3,203,987
	U.S. }		496,523	494,460	409,496	634,541	849,468	1,520,971	2,437,172	1,381,462	1,038,683	998,380	10,256,145
Castings and Forgings {	G.B. {		187,112	195,235	139,029	220,978	193,177	304,161	383,074	302,969	275,443	215,660	2,476,538
	U.S. }		48,416	337,799	270,957	221,652	255,194	329,341	455,233	419,997	294,200	268,416	2,897,211
Rails and railway supplies - - -	G.B. {	758,399	1,741,991	1,305,570	984,105	2,279,710	3,127,296	3,125,686	2,913,753	2,667,522	2,125,781	1,428,447	21,679,861
	U.S. }		84,149	224,125	98,251	84,766	65,421	33,380	675,195	1,344,816	485,573	439,545	3,596,821
Other forms of iron - - -	G.B. {	2,929,186	2,773,174	2,268,081	1,935,442	3,129,230	3,571,390	4,364,750	5,010,659	3,736,151	3,330,583	3,346,972	33,466,352
	U.S. }		139,366	714,863	590,683	556,490	471,979	599,181	591,873	744,588	537,555	481,820	5,861,014
Pig Iron - - -	G.B. {	—	540,612	397,829	181,186	263,490	457,103	633,206	842,234	490,561	394,909	387,052	4,688,172
	U.S. }		137,323	90,901	50,625	108,466	258,577	389,809	302,515	229,574	136,292	199,450	1,943,532

* “Interchangeable Mechanism” includes Sewing Machines, Fire-arms, Locomotive Engines, and Agricultural Implement

No. 51.

The SHEFFIELD CHAMBER OF COMMERCE to COLONIAL OFFICE.

Chamber of Commerce and Manufactures, Sheffield,

SIR,

August 12, 1887.

I UNDERSTAND that the Colonial Office has been good enough to undertake to forward to the Canadian Government memorials against the proposed increase of the Canadian tariff duties.

I therefore take the liberty of enclosing a memorial from the Sheffield Chamber of Commerce and Manufactures, which I trust you will forward in due course to the Government of Canada.

I have, &c.

The Right Hon. Sir Henry Holland,
Colonial Office,
London, S.W.

(Signed) HERBERT HUGHES,
Secretary.

Enclosure in No. 51.

TO THE GOVERNMENT OF THE DOMINION OF CANADA.

The RESPECTFUL MEMORIAL of the SHEFFIELD CHAMBER OF COMMERCE AND
MANUFACTURES.

SHEWETH AS FOLLOWS:

1. Your Memorialists are a Chamber of Commerce representing a district largely engaged in the manufacture of steel and iron, and of the various commodities made therefrom, usually known as hardware goods.

2. Your Memorialists have noticed with great regret that your honourable Government is proposing to impose largely increased duties upon iron and steel.

3. The amount of the proposed increase in the duties is such as to render them, in the opinion of your Memorialists, protective and prohibitory.

4. Your Memorialists feel sure that immediate and grave injury to the trade hitherto carried on between this country and Canada to the mutual advantage of both, will be the result of the imposition of the duties which have been proposed.

5. Your Memorialists feel sure that the proposal to impose such prohibitory duties upon iron and steel must inevitably be highly injurious to the trade, both of Canada and this country, since, in the case of Canada, artificial prices would be created for necessary commodities, to the detriment of the consumers of those commodities within the Dominion, whilst, in the case of England, a large market will be practically destroyed, and thus the existing depression in the hardware trade must inevitably be intensified.

6. Your Memorialists regard such a course of action as is proposed by your honourable Government as being highly detrimental to the best interests of Great Britain and her Colonies, since it places an important Colony like the Dominion of Canada in an actual position of hostility to the trade of the Mother Country.

7. Considerable feeling has been created in this district by the proposed action in this matter of your honourable Government against a Colony which can bring itself to strike so heavy a blow against the mutual commerce of Great Britain and that Colony.

8. Your Memorialists trust that there may yet be time to withdraw a proposal which cannot, they feel sure, be justified as being necessary in the interests of the revenue of the Canadian Government; but which your Memorialists regard as wholly protective, and as prohibitory to the trades affected thereby.

Your Memorialists therefore trust that this matter will be reconsidered, and that an equitable rate of duty may be imposed, sufficient only for the legitimate purposes of the revenue of the Dominion of Canada.

And your Memorialists will ever pray, &c.

Signed on behalf of the Sheffield Chamber of Commerce
and Manufactures, this 12th day of August 1887.

HERBERT HUGHES,
Secretary.

No. 52.

SIR H. T. HOLLAND to the MARQUIS OF LANSDOWNE.

MY LORD,

Downing Street, August 13, 1887.

I HAVE the honour to transmit to you, for communication to your Ministers, a copy of a Memorial* from the Sheffield Chamber of Commerce, on the subject of the increase on the Canadian import duties on iron.

The Marquis of Lansdowne.

I have, &c.
(Signed) H. T. HOLLAND.

No. 53.

COLONIAL OFFICE to the SHEFFIELD CHAMBER OF COMMERCE.

SIR,

Downing Street, August 15, 1887.

IN reply to your letter of the 12th instant,* I am directed by Secretary Sir H. Holland to acquaint you that he has caused the Memorial on the subject of the increase on the Canadian import duties on iron to be transmitted to the Governor-General for communication to his Ministers.

The Secretary to the Sheffield
Chamber of Commerce.

I am, &c.
(Signed) R. H. MEADE.

* No. 51.

NEWFOUNDLAND.

DESPATCH

FROM THE

SECRETARY OF STATE FOR THE COLONIES

TO THE

GOVERNOR OF NEWFOUNDLAND

ON THE SUBJECT OF THE

RESERVED BILL OF THE NEWFOUNDLAND LEGISLATURE,
ENTITLED "AN ACT TO REGULATE THE EXPORTATION
" AND SALE OF HERRING, CAPLIN, SQUID, AND OTHER
" BAIT FISHES."

Presented to both Houses of Parliament by Command of Her Majesty.
February 1887.



LONDON:
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BY EYRE AND SPOTTISWOODE,
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1887.

[C.—4976.] *Price ½d.*

Despatch from the Secretary of State for the Colonies to the Governor of Newfoundland on the subject of the Reserved Bill of the Newfoundland Legislature, entitled "An Act to regulate the exportation and sale of herring, caplin, squid, and other bait fishes."

The RIGHT HON. SIR H. T. HOLLAND, BART., G.C.M.G., M.P., to GOVERNOR
SIR G. W. DES VŒUX, K.C.M.G.

SIR,

Downing Street, February 3, 1887.

I HAVE the honour to acknowledge the receipt of your Despatch of the 14th of January last upon the subject of the Bill passed by the Legislative Council and Assembly of Newfoundland during the last session, and reserved by you for the signification of Her Majesty's pleasure, entitled, "An Act to regulate the exportation and sale of herring, caplin, squid, and other bait fishes," a transcript of which accompanied your Despatch of the 26th of May last.

Her Majesty's Government have carefully considered your Despatch now under acknowledgment, together with your previous Despatches on the subject, as well as the Attorney-General's report and the petition which accompanied your Despatch of the 19th of June last, addressed to the Secretary of State by both Houses of the Legislature, praying that the Bill may not be disallowed.

The representations made by the Attorney-General and by Sir Ambrose Shea, with whom Her Majesty's Government had the advantage of repeatedly conferring during their visits to this country, have also received full attention.

Owing to the changes of the Government here, there has unfortunately been some unavoidable delay in dealing with this question, but I have made it the first subject of my consideration, and have not lost any time in bringing it under the notice of Her Majesty's Government, who recognise the great importance of maintaining and developing by all legitimate means that industry on which the greater part of the population of Newfoundland is directly or indirectly dependent. The representations of the French Government on the other hand have also necessarily received careful attention.

Her Majesty's Government are aware that when the Convention of 1857 was under consideration a clause relating to bait formed one of the grounds for the rejection of that Convention by the Government of Newfoundland; but it is to be remembered that the clause in question conferred on the French not only the right to purchase bait, but to take it for themselves on the south coast in a certain contingency, and was for this reason much more unfavourable to Colonial interests than that inserted in the "Arrangement" of 1885.

In the negotiations which have taken place since 1857 a provision for the sale of bait to French fishermen has invariably been contemplated, and has been agreed to by representatives of the Colony on more than one occasion. Moreover in resolutions adopted in 1867, and again in 1874, the Legislative Council and House of Assembly of Newfoundland agreed to a clause allowing the French to purchase bait at such times as British subjects might lawfully take the same.

More recently, again, when the "Arrangement" of 1884, in its first stage, was communicated to the Colonial Government, the article providing for the sale of bait to French fishermen was not objected to by them, although other modifications of the details of the Arrangement were pressed by the Colony. It was only at so recent a date as the spring of last year, when the Arrangement as revised in 1885, in accordance with the wishes of the Colonial Government, was presented for the final approval of the Legislature of Newfoundland, that exception was taken to the provision for the sale of bait to the French fishermen; and this objection was followed up by the passing of an Act to give effect to it.

I recapitulate these facts in order to explain how it is that Her Majesty's Government, while fully recognising the serious character of the representations now placed before them as to the actual condition and prospects of the Colonial fishing trade, feel constrained to admit that there are special difficulties in the way of an entire departure, at the present moment, from the policy which has been so long adhered to. The time

is now close at hand at which the French fishermen prepare to sail for the fisheries, and large expenditure has been incurred for the season ; and the French Government, having received no formal intimation that the practice hitherto uniformly maintained will be departed from, has been entitled to assume that there will be no alteration in the arrangements for the current year. Her Majesty's Government would consequently not be justified in disregarding the strong protest of the French Government against the introduction at this late period of restrictions calculated to inflict grave loss upon the French fishermen ; and as for this reason they are unable to advise the Queen to allow the Bill to come into operation in respect of the approaching fishing season, it will not at present be submitted for Her Majesty's confirmation.

I do not desire now to raise the question how far the objection to the sale of bait to the French should, if well founded, have been pressed at an earlier date. The papers before me make it clear that it has but very recently been discovered that the operation of the French bounties has so lowered the price of fish in the markets of Europe as to make the fishing no longer profitable to the colonists, who are not aided by bounties. In the 19th paragraph of your Despatch you state that on the continent of Europe French caught fish is sold for 12s. 6d. per quintal, while that caught by British fishermen, being better prepared, fetches 14s. per quintal. As the French fishermen receive, in addition, a bounty which you state amounts to some 8s. 6d. per quintal, it is sufficiently obvious that the British fishermen lie under a grave disadvantage ; but I do not perceive that it has yet been shown in detail that although there is a great difference between the present price of 14s. per quintal and the former price of 15s. to 20s. which, as stated in a memorandum furnished to Her Majesty's Government, was obtained for Newfoundland fish until about two years ago, the Colonial fishery has actually ceased to be remunerative, and to what extent. It is desirable that the case for the allowance of the Bill should be supported by full evidence on this point ; and during the current year it will be possible to ascertain accurately the full effect of the French bounties and the exact position of the British fishing trade. Until these facts have been established it is not possible for Her Majesty's Government to decide with confidence whether the proposed legislation will prove to be the best mode of applying a remedy for the depressed state of the Colonial fishery, or whether, after further communication with the French Government upon a more precise statement of the facts, such remedy may be found in some other direction.

Sir G. W. Des Vœux.

I have, &c.
(Signed) H. T. HOLLAND.

UNITED STATES. No. 1 (1887).

CORRESPONDENCE

RELATIVE TO THE

NORTH AMERICAN FISHERIES:

1884-86.

*Presented to both Houses of Parliament by Command of Her Majesty.
February 1887.*

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1887.

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Correspondence relative to the North American Fisheries.

No. 1.

Mr. West to Earl Granville.—(Received May 17.)

My Lord,

Washington, May 4, 1884.

I HAVE the honour to inclose herewith to your Lordship copies of a Joint Resolution introduced into the House of Representatives, requesting the President to negotiate with Great Britain for a renewal of the Canadian Reciprocity Treaty of 1854. This Resolution was not acted upon. It would appear, however, that the Committee on Foreign Affairs, to whom it was referred, is doubtful if such a Treaty would now be satisfactory, and it is proposed in consequence to report and substitute for it a Resolution, expressing the opinion of the House in favour of negotiations looking to a commercial agreement without undertaking to specify its terms or encroaching upon the province of the Treaty-making power. It is expected that some action may be taken on the matter by the end of this week. I have addressed a despatch to the Marquis of Lansdowne in this sense, and have forwarded to his Excellency copies of the Resolution.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 1.

48th Congress.—1st Session.—H. Res. 32.

IN THE HOUSE OF REPRESENTATIVES.

December 11, 1883.—Read twice, referred to the Committee on Foreign Affairs, and ordered to be printed.

MR. MAYBURY introduced the following Joint Resolution:—

Joint Resolution requesting the President to negotiate with Great Britain for a renewal of the Canadian Reciprocity Treaty of 1854. Whereas the Reciprocity Treaty with Great Britain regulating commerce and navigation between the United States and the British Colonies of North America was terminated on the 17th March, 1866, in virtue of previous notice given by the United States; and whereas the provisions of said Treaty providing for mutual rights in certain sea fisheries, and for the free navigation of the Great Lakes, the River Saint Lawrence, and the canals connected therewith, were restored in 1871 by the Treaty of Washington, so called; and whereas unfettered trade and commerce between the British possessions of North America and the United States would be reciprocally beneficial, advantageous, and satisfactory: Therefore:—

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled.

“That the President of the United States be, and he is hereby, respectfully requested to negotiate with the Government of Great Britain for a renewal or restoration of the provisions of the Treaty abrogated in 1866 as aforesaid, providing that all articles enumerated in said Treaty, being the growth or produce of the British Colonies of North America, or of the United States, should be admitted into each country respectively, free of duty.”

No. 2.

Mr. Currie to Sir R. Herbert.

Sir,

Foreign Office, June 2, 1884.

I AM directed by Earl Granville to transmit to you a copy of a despatch from Her Majesty's Minister at Washington concerning the Resolution introduced into the House of Representatives, requesting the President to negotiate with Great Britain for a renewal of the Canadian Reciprocity Treaty of 1854.*

I am to request that you will move the Earl of Derby to favour Lord Granville with his opinion as to the language Mr. West should be instructed to hold in the event of his being asked by the United States' Government whether Her Majesty's Government would approve the negotiation of such a Treaty.

I am, &c.
(Signed) P. CURRIE.

No. 3.

Mr. Bramston to Sir J. Pauncefote.—(Received June 13.)

Sir,

Downing Street, June 12, 1884.

WITH reference to previous correspondence respecting the approaching termination of the Fishery Articles of the Treaty of Washington, I am directed by the Earl of Derby to transmit to you, to be laid before Earl Granville, a copy of a despatch from the Officer administering the Government of Newfoundland, inclosing an extract from a Minute of the Executive Council of the Colony on the subject.

Lord Granville will, no doubt, accord to the representations of the Executive Council of Newfoundland such support as may be possible in any negotiations which may take place with the United States' Government in regard to this question.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 3.

Administrator Carter to the Earl of Derby.

My Lord,

Government House, Newfoundland, May 20, 1884.

I HAVE the honour to transmit to your Lordship copy of an extract of a Minute of the Executive Council, expressive of their views on the subject of your Lordship's despatch of the 30th January last, with reference to the approaching termination of the Fishery Articles of the Washington Treaty.

I have, &c.
(Signed) F. B. T. CARTER.

Inclosure 2 in No. 3.

Extract from Minutes of Council, May 16, 1884.

THE Right Honourable Secretary of State for the Colonies having in his despatches of the 3rd May and the 28th December last expressed a desire to be informed of any views which this Government might have to offer regarding the expiry of the Fishery Clauses of the Washington Treaty:

The Council would observe that the operation of these clauses has been found useful to the trade of this country in regard to the free admission of the Newfoundland produce into the markets of the United States. A state of trade relations has arisen under these provisions, the disturbance of which would be attended with inconvenience and injury. The opening of new markets would be a work of time and possible difficulty, and meanwhile losses on shipments might reasonably be apprehended.

The Council are therefore desirous that Her Majesty's Government may see the way to an arrangement with the Government of the United States which would continue the free admission of Newfoundland fish productions into the United States' markets after the Fishery Clauses of the Washington Treaty shall have expired.

(Signed) E. D. SHEA,
Clerk Executive Council.

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No. 4.

Mr. West to Earl Granville.—(Received July 25.)

My Lord,

Washington, July 12, 1884.

I HAVE the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, informing me that, in view of Congress having adjourned without reaching any action on the President's proposal to appoint a Commission to consider the Fisheries Articles of the Treaty of Washington, it is deemed best to defer definite action on the British proposal until December next.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 4.

Mr. Frelinghuysen to Mr. West.

Sir,

Department of State, Washington, July 11, 1884.

ADVERTING to the language of the President's last annual Message to Congress relative to appointing a Commission to consider the subject, I have the honour to inform you that Congress has adjourned without reaching any action on the President's recommendation. In such an important international question, in which Congress has intervened at every stage hitherto, it is deemed best to defer definite action on the British proposal until December.

I have, &c.

(Signed) FRED. T. FRELINGHUYSEN.

No. 5.

Sir J. Pouncefote to Mr. Bramston.

(Extract.)

Foreign Office, November 20, 1884.

LORD GRANVILLE would suggest that the views of the Canadian Government should at once be definitely obtained as to the course to be pursued in the negotiations with the United States, in view of the fact that the Fishery Articles of the Treaty of Washington will expire on the 1st July next, and that it appears to be very desirable that some satisfactory arrangement should be come to before that date, in order to avoid the risks and complications which might arise from the Fishery question being left in an undecided state.

If negotiations with the United States' Government were once commenced, and it were found during the course of them that an agreement were not likely to be reached by the 1st July, it is possible that a proposal for continuing the *status quo*—at all events in regard to Newfoundland—for some stated period, such as a year, might permit the conclusion of a definite arrangement without the inconvenience arising from a displacement of trade, and a sudden change in the area open for fishing purposes to American and colonial fishermen respectively.

No. 6.

Sir R. Herbert to Sir J. Pouncefote.—(Received December 6.)

Sir,

Downing Street, December 4, 1884.

WITH reference to your letter of the 20th ultimo, relating to the question of the course to be pursued in regard to the North American fisheries on the termination of the Fishery Articles of the Treaty of Washington, I am directed by the Earl of Derby to transmit to you, for the information of Earl Granville, a copy of a despatch which his Lordship has addressed to the Governor-General of Canada on this subject.

Lord Derby does not propose to make any communication to the Governor of Newfoundland upon this matter until after the answer from the Governor-General of Canada has been received.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 6.

The Earl of Derby to the Marquis of Lansdowne.

My Lord,

Downing Street, December 4, 1884.

IN view of the fact that the Fishery Articles of the Treaty of Washington will expire on the 1st July next, I have the honour to inform you that Her Majesty's Government are desirous of obtaining at as early a date as may be possible some definite expression of the views of the Government of the Dominion of Canada as to the course which they may wish to be pursued, in negotiation with the Government of the United States, with the object of arriving at some satisfactory arrangement with that Government in order to avoid the risks and complications which might arise from the Fishery question being left in an unsettled and undecided state.

You will therefore be so good as to lay this despatch before your Ministers, and to request them to favour me, at their earliest convenience, with such an expression of their views upon this important subject as they may be in a position to supply.

I have, &c.

(Signed) DERBY.

No. 7.

Mr. Bramston to Sir J. Pauncefote.—(Received January 19.)

Sir,

Downing Street, January 17, 1885.

WITH reference to the letter from this Department of the 4th December last, inclosing copy of a despatch which the Earl of Derby had addressed to the Governor-General of Canada, relating to the course to be taken on the termination of the Fishery Articles of the Treaty of Washington, I am directed by his Lordship to transmit to you, to be laid before Earl Granville, a copy of a despatch which has been received from the Governor-General in reply.

Lord Derby would be glad to be favoured with the views of Lord Granville in regard to the proposal contained in this despatch.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 7.

The Marquis of Lansdowne to the Earl of Derby.

My Lord,

Government House, Ottawa, December 26, 1884.

I HAVE the honour to acknowledge receipt of your Lordship's despatch of the 4th December, and to inform you that, agreeably with the instructions contained therein, I have urged upon my Government the necessity of supplying your Lordship with a definite expression of its views in regard to the steps to be taken in consequence of the approaching expiration of the Fishery Articles of the Treaty of Washington.

2. Some delay has been occasioned by the absence of Sir John Macdonald from Ottawa on public business. I have, however, since his return had several conversations with him, and am now able to give your Lordship an indication of the manner in which the Government of the Dominion desire to deal with this question.

3. I have in the first place to point out that these Articles have been abrogated by the Government of the United States in compliance with a vote of Congress, without, as far as we are aware, any intimation of a desire on the part of that Government to substitute for them any other arrangement, and without any specific disclosure of the reasons which have induced it to adopt such a course beyond general and unofficial expressions of dissatisfaction with the result of the Award under which the United States were required to pay a sum of 5,500,000 dollars for the privilege of fishing in the waters to which their fishermen were admitted under the Treaty of 1871.

4. A course similar to that which has been now adopted was followed by the Government of Washington in regard to the Treaty of 1854, which was abrogated in like manner to the detriment of the commercial relations which had been established between the two countries while it was in operation.

5. In the face of these circumstances my Government does not consider that it would be consistent with the respect which it owes to itself to appear as a suitor for concessions at the hands of the Government of the United States. It is, moreover, certainly open to question whether, if negotiations on this subject are to be approached

at all, they will not be approached with a better prospect of success if they are commenced and conducted with the Government which will assume office next spring, rather than with that by which the Articles have been denounced, and which could not reasonably expect to terminate such negotiations before the end of its official existence.

6. The expiration of the Fishery Articles, although it will no doubt produce some dislocation of this branch of the commerce of the Dominion, will only replace it in the position which it occupied between the expiration of the Treaty of 1854 and the commencement of the Treaty of 1871. Each party will be restricted to its own waters, and steps will be taken to protect from trespassers those of the Dominion, which are admitted to be of far greater value than those of the United States. It is probable that a considerable portion of the catch of the Canadian fisherman would find its way, as it did during the period referred to, to the same markets as now, but carried in American vessels, the owners of which would purchase the fish from the Canadian fishery vessels, whilst afloat, and enter them at their own ports free of duty as their own catch, for re-sale in the West Indies and elsewhere.

7. In another respect, however, the action of the United States' Government is no doubt likely to have inconvenient, and, perhaps, embarrassing results, though not to Canadian fishermen. The Fishery Clauses will cease to operate on the 1st July, 1885. At that time vessels belonging to the United States will be engaged in fishing in Canadian waters. These vessels will have been equipped and fitted out for the season's fishery, and will have made all their arrangements in the belief that they would be able to prosecute their business until its end. If these vessels were, upon the day following that upon which the Articles ceased to operate, either captured for trespass or compelled on pain of seizure to desist from fishing in Canadian waters, considerable loss would be occasioned to the owners, and much ill-feeling created between the two countries. The Government of the Dominion has no desire to be instrumental in producing such a state of things, and I am able to inform your Lordship that, should such a course be acceptable to the Government of the United States, we should be prepared to agree to an extension of the operation of the clauses in regard both to "free fishing" and to "free fish" until the 1st January, 1886. If this were to be done, their expiration would take place between the fishing season of 1885 and that of 1886, instead of in the middle of that of 1885, with the result of avoiding those complications of which I have already spoken.

8. The delay thus gained would, if the United States were to show any desire for the discussion of the commercial relations of the two countries, give time for such a discussion, and the Government of the Dominion would have no object in restricting the scope to the subject of the fisheries. It is indeed a matter of notoriety that the Dominion has consistently expressed its readiness to become a party to an arrangement which might have the effect of affording increased facilities for international commerce between itself and the United States. It has given the best proof of its sincerity by taking under its existing Customs Laws powers of which your Lordship is aware to admit upon favourable terms by Proclamation of the Governor-General those products of the United States which were included in the Treaty of 1854, whenever a similar course in regard to the natural products of the Dominion may be adopted by the Government of Washington. It regretted at the time the termination of the Treaty of 1854, which it believed to be advantageous to the interests of both countries, and it would be fully prepared, on receiving from the Government of the United States an intimation that negotiations would be likely to produce useful results, to enter into such negotiations in an amicable spirit.

9. I think it my duty, in conclusion, to make your Lordship aware that in a letter to Her Majesty's Minister at Washington, dated the 23rd instant, I asked him to be good enough to inform me whether such an *ad interim* arrangement as I have indicated in paragraph 7 was likely to be agreeable to the Government to which he is accredited.

I have, &c.
(Signed) LANSDOWNE.

No. 8.

Sir J. Pauncefoot to Mr. Bramston.

(Extract.)

Foreign Office, January 26, 1885.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 17th instant, containing a despatch from his Excellency the Governor-

General of Canada upon the subject of the attitude which the Dominion Government desire to assume with regard to the approaching termination of the Fishery Articles of the Treaty of Washington; and I am, in reply, to submit, for the Earl of Derby's consideration, the following observations thereon:—

Lord Granville approves of the proposal to adopt an arrangement whereby the operation of Articles XVIII, XIX, XX, and XXI of the Treaty, which provide for reciprocal free fishing, and free importation of fish and fish oil, should be extended to the 1st January, 1886, in order to permit time for negotiation, and to avoid the risk of complications which might arise from the right of fishing in British waters enjoyed by United States' fishermen under the Treaty coming to an end in the midst of the next summer fishing season.

I am to state that Lord Granville would propose, with his Lordship's concurrence, to send a copy of your letter confidentially to Mr. West, with instructions to inquire officially, at once if possible, whether the United States' Government would consent to prolong the *status quo* till the 1st January, 1886; and, as soon as the new Government comes into office, to endeavour, unofficially, to elicit their views as to negotiations for a more permanent settlement of the question.

No. 9.

Mr. Bramston to Sir J. Pauncefote.—(Received February 14.)

Sir,

Downing Street, February 13, 1885.

I AM directed by the Earl of Derby to acknowledge the receipt of your letter of the 26th January, relating to the question as to the course to be pursued in reference to the termination of the Fishery Articles of the Treaty of Washington.

In the concluding paragraph of your letter it was proposed that an inquiry should at once be officially addressed to the United States' Government by Her Majesty's Minister at Washington as to whether the United States' Government would consent to prolong the *status quo* until the 1st January, 1886, and, as soon as the new Government comes into office, to endeavour, unofficially, to elicit their views as to negotiations for a more permanent settlement of the question.

With regard to the inquiry first proposed, Lord Derby thought it advisable, before any official communication should be addressed to the United States' Government, to ascertain whether the Government of the Dominion wished the continuance of the *status quo* to apply to Article XXX of the Treaty of Washington as well as to the Fishery Articles. With this view his Lordship has placed himself in communication with the Governor-General of the Dominion; and I am to inclose, for Lord Granville's information, copies of the telegrams which have passed upon the subject.

Lord Derby would be glad to receive any observations in regard to the views of the Dominion Government expressed in these telegrams which may occur to Lord Granville.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 9.

The Earl of Derby to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, February 3, 1885.

YOUR despatch 26th December. Her Majesty's Government desire to be informed by telegraph to what extent do Canadian Government wish provisions of Treaty remain *in statu quo*. Have they any objection to proposing to United States' Government that the whole Treaty should continue in operation till 1st January next?

Inclosure 2 in No. 9.

The Marquis of Lansdowne to the Earl of Derby.

(Telegraphic.)

February 5, 1885.

CANADIAN Government understand that notice of the termination of Fisheries Clauses only includes the clauses giving American access to our waters and the clauses

admitting fish free of duty. We are prepared to extend both till January next, but I am informed privately by Her Majesty's Minister at Washington that the United States' Secretary has intimated to him that, at this late date, such an arrangement is deemed impracticable.

Inclosure 3 in No. 9.

The Earl of Derby to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, February 6, 1885.

WITH reference to your telegram of the 5th instant, Notice relates to Articles XVIII to XXV and Article XXX. Would your Government desire that formal application should be made to United States' Government for extension until 1st January of all those Articles?

Inclosure 4 in No. 9.

The Marquis of Lansdowne to the Earl of Derby.

(Telegraphic.)

February 7, 1885.

IN reply to your telegram of the 6th, we are ready to extend till January Article XXX, as well as Fishery Articles. Extension Articles XXII to XXV would not be necessary, as question of further payment would not be raised. As Article XXX has no connection with Fishery question, we should agree to its indefinite extension. After West's statement to me, we are of opinion that, until after the change of Government, any formal proposal to the American Government should be postponed.

No. 10.

Mr. Bramston to Sir J. Pauncefote.—(Received February 25.)

Sir,

Downing Street, February 24, 1885.

I AM directed by the Earl of Derby to transmit to you, for the consideration of Earl Granville, in connection with the telegraphic correspondence which was inclosed in the letter from this Department of the 13th instant, a copy of a despatch from the Governor of Canada, with its inclosures, relating to the proposal for the extension of the Fishery Articles of the Treaty of Washington to the 1st January, 1886.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 10.

The Marquis of Lansdowne to the Earl of Derby.

My Lord,

Government House, Ottawa, February 4, 1885.

WITH reference to your Lordship's telegram of this day's date, and to paragraph 7 in my despatch of the 26th December, in which I stated "that should such a course be acceptable to the Government of the United States we shall be prepared to agree to an extension of the operation of the clauses in regard both to 'free fishing' and to 'free fish' until the 1st January, 1886," I have the honour to inform your Lordship that I have received a private letter from Mr. West, inclosing copy of a letter which he has received from the Secretary of State for the United States, in which Mr. Frelinghuysen advises him that after consultation with leading Senators he has come to the conclusion that it would be impossible, under present circumstances, to carry out the suggestion that the operation of the Fishery Clauses of the Treaty of Washington should be extended until the 1st January, 1886.

2. Mr. Frelinghuysen suggests that a Presidential Proclamation should be issued notifying the expiration of the Treaty on the 1st July, and the withdrawal after that date of the privilege of fishing in Canadian waters hitherto enjoyed by American fishermen.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 10.

Mr. West to the Marquis of Lansdowne.

Dear Lord Lansdowne,

Washington, January 25, 1885.

WITH reference to my letter of the 3rd instant, I now inclose copy of a communication from the Secretary of State respecting the postponement of the termination of the Fishery Articles of the Treaty of Washington.

Very truly, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 3 in No. 10.

Mr. Frelinghuysen to Mr. West.

Dear Mr. West,

Department of State, Washington, January 20, 1885.

WITH reference to your note of the 3rd instant, proposing a postponement of the termination of the Fishery Articles of the Treaty of Washington of 1871 until the 1st January, 1886, I have now to inform you that after consultation upon the subject with leading Senators it is deemed impracticable at this late day to carry out your suggestions.

It is believed, however, that by a Presidential Proclamation issued now to the effect that the Fishery Articles of the Treaty will expire on the 1st July next, and that none of the privileges secured by that Treaty will any longer exist, and that American fishermen are warned to govern themselves accordingly, and to keep outside of the jurisdictional line of Her Majesty's territories, much of the trouble which you anticipate will be avoided.

Yours, &c.
(Signed) FREDK. T. FRELINGHUYSEN.

No. 11.

Mr. Lowell to Earl Granville.—(Received March 5.)

My Lord,

Legation of the United States, London, March 3, 1885.

I HAVE the honour to acquaint you that I have received to-day a number of copies of the President's Proclamation of the 31st January last, giving notice that certain Articles of the Treaty of Washington of the 8th May, 1871, will terminate on the 1st July next; and I beg leave, in compliance with my instructions, to communicate three copies of this Proclamation informally to Her Britannic Majesty's Government.

I have, &c.
(Signed) J. R. LOWELL.

Inclosure in No. 11.

By the President of the United States of America.

A Proclamation.

WHEREAS the Treaty concluded between the United States of America and Her Majesty the Queen of Great Britain and Ireland, concluded at Washington on the 8th day of May, 1871, contains among other Articles the following, viz. :—

“ARTICLE XVIII.

“It is agreed by the High Contracting Parties that, in addition to the liberty secured to the United States' fishermen by the Convention between the United States and Great Britain signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in

Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks, of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

"It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

"ARTICLE XIX.

"It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the 39th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

"It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

"ARTICLE XX.

"It is agreed that the places designated by the Commissioners appointed under the Ist Article of the Treaty between the United States and Great Britain concluded at Washington on the 5th June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States as places reserved from the common right of fishing under that Treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding Articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority, as the Commission appointed under said Ist Article of the Treaty of the 5th June, 1854.

"ARTICLE XXI.

"It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country respectively free of duty.

"ARTICLE XXII.

"Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this Treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine (having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty) the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the said Commissioners may

so award shall be paid by the United States' Government, in a gross sum, within twelve months after such Award shall have been given.

"ARTICLE XXIII.

"The Commissioners referred in in the preceding Article shall be appointed in the following manner, that is to say : One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly ; and in case the third Commissioner shall not have been so named within a period of three months from the date when this Article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

"The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named ; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity ; and such declaration shall be entered on the records of their proceedings.

"Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

"ARTICLE XXIV.

"The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this Treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either Party shall offer oral testimony, the other Party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

"If in the case submitted to the Commissioners either party shall have specified or alluded to any Report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof ; and either Party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

"The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this Treaty.

"ARTICLE XXV.

"The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

"Each of the High Contracting Parties shall pay its own Commissioner and Agent or counsel ; all other expenses shall be defrayed by the two Governments in equal moieties."

"ARTICLE XXX.

"It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandize from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes. and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid : Provided, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations

as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

"Citizens of the United States may for the like period carry in United States' vessels, without payment of duty, goods, wares, or merchandize from one port or place within the possessions of Her Britannic Majesty in North America to another port or place within the said possessions: Provided, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

"The Government of the United States further engage not to impose any export duties on goods, wares, or merchandize carried under this Article through the territory of the United States; and Her Majesty's Government engage to urge the Parliament of the Dominion of Canada and the Legislatures of the other Colonies not to impose any export duties on goods, wares, or merchandize carried under this Article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this Article in favour of the subjects of Her Britannic Majesty.

"The Government of the United States may suspend the right of carrying granted in favour of the subjects of Her Britannic Majesty under this Article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII."

"ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing Articles into effect, then this Article shall be of no effect; but the omission to make provision by law to give it effect by either of the legislative bodies aforesaid shall not in any way impair any other Articles of this Treaty."

And whereas, pursuant to the provisions of Article XXXIII of said Treaty, due notice has been given to the Government of Her Britannic Majesty of the intention of the Government of the United States of America to terminate the above-recited Articles of the Treaty in question on the 1st day of July, 1885;

And whereas, pursuant to the terms of said Treaty, and of the notice given thereunder by the Government of the United States of America to that of Her Britannic Majesty, the above-recited Articles of the Treaty of Washington, concluded 8th May, 1871, will expire and terminate on the 1st day of July, 1885;

Now, therefore, I, Chester A. Arthur, President of the United States of America, do hereby give public notice that Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXX, and XXXII of the Treaty of Washington, concluded 8th May, 1871, will expire and terminate on the 1st day of July, 1885, and all citizens of the United States are hereby warned that none of the privileges secured by the above-recited Articles of the Treaty in question will exist after the 1st day of July next; all American fishermen should govern themselves accordingly.

Done at the city of Washington, this 31st day of January, in the year of our Lord one thousand eight hundred and eighty-five, and of the Independence of the United States of America the one hundred and ninth.

(Seal)

CHESTER A. ARTHUR.

By the President:

(Signed)

FREDK. T. FRELINGHUYSEN,

Secretary of State.

Mr. Bramston to Sir J. Pauncefote.—(Received March 9.)

Sir,

Downing Street, March 7, 1885.

WITH reference to the letter from this Department of the 13th ultimo, I am directed by the Earl of Derby to transmit to you, to be laid before Earl Granville, a copy of a despatch from the Governor-General of Canada in connection with the question of the temporary extension of those clauses in the Treaty of Washington which are affected by the notice given by the Government of the United States.

I am at the same time to transmit copies of despatches from Lord Lansdowne, containing the substance of the two telegrams from himself, copies of which accompanied the letter above referred to.

I am, &c.

(Signed) JOHN BRAMSTON:

Inclosure 1 in No. 12.

The Marquis of Lansdowne to the Earl of Derby.

My Lord,

Government House, Ottawa, February 9, 1885.

I HAD the honour to send to your Lordship, on the 4th instant, a message in which I stated, in reply to your Lordship's telegram of the same date, that it was understood by us that the notice terminates the Fisheries Clauses only of the Treaty, including those clauses by which access to our waters is given to the American fishermen, and also the clauses which admit fish into the United States free of duty. I added that we were willing to have both extended till the 1st January, 1886, but that I had been privately informed by Mr. West that the United States' Secretary of State had intimated to him that this arrangement at this late date was thought to be impracticable.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 12.

The Marquis of Lansdowne to the Earl of Derby.

My Lord,

Government House, Ottawa, February 10, 1885.

I HAD the honour to send to your Lordship on the 7th instant a message acknowledging your Lordship's telegram of the 6th instant, and stating that we are prepared to extend Article XXX as well as the Fishery Clauses till January. I also stated that it will not be necessary to extend Articles XXII to XXV, as the question of further payment would not be brought forward; that we should agree to the indefinite extension of Article XXX inasmuch as it has no bearing upon the Fishery question; and that after Mr. West's statement to me we are of opinion that until after the change of Government any formal proposition to the United States' Government should be postponed.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 3 in No. 12.

The Marquis of Lansdowne to the Earl of Derby.

My Lord,

Government House, Ottawa, February 10, 1885.

I HAVE the honour to make the following observations with reference to my telegram of the 7th instant, upon the subject of the temporary extension of those clauses in the Treaty of Washington of the termination of which notice has been given by the Government of the United States.

2. The Articles affected by the notice in question are, as your Lordship pointed

out, Nos. XVIII to XXV inclusive, and No. XXX. Of these, XVIII to XXI inclusive have reference to the conditions under which the Contracting Parties are to be admitted to the territorial waters and coasts of either country, and to the admission into each country free of duty of the fish and fish products of the other.

It is against these clauses that the steps taken by the Government of Washington have, it is understood, been specially directed.

3. Articles XXII to XXV, inclusive, relate to the arrangements for the Arbitration held at Halifax subsequent to the conclusion of the Treaty. As in the event of a temporary extension of Articles XVIII to XXI until the 1st January, 1886, my Government would not raise the question of any payment in addition to that already made under the Halifax Award, in consideration of the prolongation of the time during which American fishermen would have the privilege of access to Canadian waters, the renewal of Articles XXII to XXV would be without effect.

4. Article XXX, which is also affected by the notice, has reference to an entirely distinct subject, viz., the relaxation under certain circumstances of the Coasting Laws of the two countries.

Under this Article a Canadian vessel can, *e.g.*, carry a cargo from Chicago to Oswego on Lake Ontario, notwithstanding the Coasting Laws of the United States, a portion of such cargo being conveyed in bond, over the Welland Railway, which connects Lakes Erie and Ontario. Such a vessel would land part of her cargo at the Erie Terminus of the Welland Railway, so as to enable her to pass through the Welland Canal, and would reshipe the landed cargo at the Ontario Terminus.

5. My Government would be glad to have the operation of this clause, which has no relation whatever to the Fishery question, continued, and as I stated in my telegram to your Lordship, such a continuation might be for an indefinite time.

6. They are, however, of opinion that, considering Mr. West's intimation to me, of the nature of which your Lordship is already aware, it would probably not be desirable to make any formal proposal in regard to these matters until after the accession of President Cleveland's Administration.

I have, &c.
(Signed) LANSDOWNE.

No. 13.

Earl Granville to Mr. West.

(Telegraphic.)

Foreign Office, April 20, 1885, 6.15 P.M.

ASK United States' Government whether they will agree to prolong the operation of Articles XVIII, XIX, XX, XXI, and XXX of the Treaty of Washington from 1st July to 1st January, 1886. This proposal is made to afford time to negotiate more permanent settlement of Fishery question. If United States' Government agree, Her Majesty's Government would be prepared to commence negotiations at once.

No. 14.

Mr. West to the Marquis of Salisbury.—(Received July 10.)*

My Lord,

Washington, June 29, 1885.

I HAVE the honour to inclose to your Lordship herewith copy of the notice, and of the correspondence which has been published in relation to the temporary arrangement which has been entered into between Her Majesty's Government and the Government of the United States in consequence of the expiration of the Fishery Articles of the Treaty of Washington on the 1st July next.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

* Copy to Colonial Office, July 11, 1885.

Inclosure in No. 14.

*Agreement between the United States and Great Britain respecting the Fisheries, concluded
June 22, 1885.*

Notice

BY direction of the President, the Undersigned, Secretary of State, hereby makes known to all whom it may concern, that a temporary Diplomatic Agreement has been entered into between the Government of the United States and the Government of Her Britannic Majesty, in relation to the fishing privileges which were granted by the Fishery Clauses of the Treaty between the United States and Great Britain of the 8th May, 1871, whereby the privilege of fishing, which would otherwise have terminated with the Treaty Clauses on the 1st July proximo, may continue to be enjoyed by the citizens and subjects of the two countries engaged in fishing operations throughout the season of 1885.

This Agreement proceeds from the mutual good-will of the two Governments, and has been reached solely to avoid all misunderstanding and difficulties which might otherwise arise from the abrupt termination of the fishing of 1885 in the midst of the season. The immunity which is accorded by this Agreement to the vessels belonging to citizens of the United States engaged in fishing in the British American waters will likewise be extended to British vessels and subjects engaged in fishing in the waters of the United States.

The Joint Resolution of Congress of the 3rd March, 1883, providing for the termination of the Fishing Articles of the Treaty of the 8th May, 1871, having repealed in terms the Act of the 1st March, 1873, for the execution of the Fishing Articles, and that repeal being express and absolute from the date of the termination of the said Fishing Articles, under due notification given and proclaimed by the President of the United States, to wit, the 1st July, 1885, the present temporary Agreement in no way affects the question of statutory enactment or exemption from customs duties, as to which the abrogation of the Fishing Articles remains complete.

As part of this Agreement, the President will bring the whole question of the fisheries before Congress at its next Session in December, and recommend the appointment of a Joint Commission by the Governments of the United States and Great Britain to consider the matter, in the interest of maintaining good neighbourhood and friendly intercourse between the two countries, thus affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

Copies of the Memoranda and exchanged notes on which this temporary Agreement rests are appended.

Reference is also made to the President's Proclamation of the 31st January, 1885, terminating the Fishing Articles of the Treaty of Washington.

By direction of the President.

(Signed) T. F. BAYARD, *Secretary of State.*

APPENDICES.

(1.)

Memorandum by Mr. West.

The Fishery Clauses of the Treaty of Washington of 1871 will expire in July next. When the time comes, American vessels will be actually engaged in fishing within the territorial waters of the Dominion. These vessels, it may be presumed, would have been fitted out for the season's fishing, and their arrangements would have been made for following it out until its termination in the autumn. If, under these circumstances, the Dominion Government were to insist upon their rights and to compel such vessels, on pain of seizure, to desist from fishing, much hardship and ill-feeling would result. To avoid this complication, it is suggested that the two Governments should agree to extend the clauses in operation until the 1st January, 1886. If this were done, the existing state of things would come to an end between the fishery seasons of 1885 and 1886, and an abrupt transition, when fishing operations were in progress, be thus avoided.

March 12, 1885.

Mr. Bayard to Mr. West.

Dear Mr. West,

Department of State, Washington, April 22, 1885.

I have on several occasions lately, in conversation, acquainted you with my interest in the Fisheries Memorandum which accompanied your personal letter of the 12th March.

Several informal talks I have had with Sir Ambrose Shea have enabled me to formulate the views of this Government upon the proposition made in behalf of the Dominion and the Province of Newfoundland, and I take pleasure in handing you herewith a Memorandum embodying the results. If this suits, I shall be happy to confirm the arrangement by an exchange of notes at your early convenience.

I am, &c.

(Signed) T. F. BAYARD.

Memorandum.

The legislation passed by the Congress of the United States, Act of the 1st March, 1873, for the execution of the Fishery Articles of the Treaty of Washington, has been repealed by Joint Resolution of the 3rd March, 1883, the repeal to take effect on the 1st July, 1885. From that date the effects of the Fishery Articles of the Treaty of Washington absolutely determine, so far as their execution within the jurisdiction of the United States is concerned, and without new legislation by Congress modifying or postponing that repeal, the Executive is not constitutionally competent to extend the reciprocal fisheries provisions of the Treaty beyond the 1st July next, the date fixed by the action of Congress.

Mr. West's Memorandum of the 12th March, 1885, suggests the mutual practical convenience that would accrue from allowing the fishing ventures commenced prior to the 1st July, 1885, to continue until the end of the season for fishing of that year, thus preventing their abrupt termination in the midst of fishing operations on the 1st July.

It has been, moreover, suggested on the part of the Province of Newfoundland and of the Dominion of Canada that, in view of the mutual benefit and convenience of the present local traffic, consisting of the purchase of ice, bait, wood, and general ship supplies by the citizens of the United States engaged in fishing from the inhabitants of the British American fishing coast, the usual operations of the fishing season of 1885 should be continued by the fishing-vessels belonging to the citizens of the United States until the end of the season of that year, and that the local authorities of Newfoundland and of the Dominion of Canada, in a spirit of amity and good neighbourhood, should abstain from molesting such fishermen or impeding their progress or their local traffic with the inhabitants incidental to fishing during the remainder of the season of 1885, and all this with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at the next Session in December, and recommend the appointment of a Commission in which the Governments of the United States and of Great Britain should be respectively represented, which Commission should be charged with the consideration and settlement, upon a just, equitable, and honourable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America.

The President of the United States would be prepared to recommend the adoption of such action by Congress, with the understanding that, in view and in consideration of such promised recommendation, there would be no enforcement of restrictive and penal laws and regulations by the authorities of the Dominion of Canada or of the Province of Newfoundland against the fishermen of the United States resorting to British American waters between the 1st July next and the close of the present year's fishing season; the mutual object and intent being to avoid any annoyance to the individuals engaged in this business and traffic, and the irritation or ill-feeling that might be engendered by a harsh or vexatious enforcement of stringent local regulations on the fishing coast pending an effort to have a just and amicable arrangement of an important and somewhat delicate question between the two nations.

Public knowledge of this understanding and arrangement can be given by an exchange of notes between Mr. West and myself, which can be given to the press.

April 21, 1885.

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(3.)

Mr. West's Memoranda of June 13, 1885.

It is proposed to state in notes recording temporary arrangement respecting fisheries, that an Agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America.

The Government of Newfoundland do not make refunding of duties a condition of their acceptance of the proposed Agreement, but they rely on it having due consideration before the International Commission which may be appointed.

(4.)

Mr. Bayard to Mr. West.

My dear Mr. West,

Department of State, Washington, June 19, 1885.

I assume that the two confidential Memoranda you handed to me on the 13th instant embrace the acceptance by the Dominion and the British American coast provinces of the general features of my Memorandum of the 21st April, concerning a temporary arrangement respecting the fisheries, with the understanding expressed on their side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America."

To such a contingent understanding I can have no objection. Indeed, I regard it as covered by the statement in my Memorandum of the 21st April, that the arrangement therein contemplated would be reached "with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next Session in December, and recommend the appointment of a Commission in which the Governments of the United States and of Great Britain should be respectively represented, which Commission should be charged with the consideration and settlement, upon a just, equitable, and honourable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America."

The equities of the question, being before such a Mixed Commission, would doubtless have the fullest latitude of expression and treatment on both sides; and the purpose in view being the maintenance of good neighbourhood and intercourse between the two countries, the recommendation of any measures which the Commission might deem necessary to attain these ends would seem to fall within its province, and such recommendations could not fail to receive attentive consideration.

I am not, therefore, prepared to state limits to the proposals to be brought forward in the suggested Commission on behalf of either party.

I believe this statement will be satisfactory to you, and I shall be pleased to be informed at the earliest day practicable of your acceptance of the understanding on behalf of British North America; and by this simple exchange of notes and Memoranda the Agreement will be completed in season to enable the President to make the result publicly known to the citizens engaged in the fishing on the British American Atlantic coast.

I have, &c.
(Signed) T. F. BAYARD.

(5.)

Mr. West to Mr. Bayard.

My dear Mr. Bayard,

Washington, June 20, 1885.

I beg to acknowledge the receipt of your confidential note of yesterday's date concerning the proposed temporary arrangement respecting the fisheries, which I am authorized by Her Majesty's Government to negotiate with you, on behalf of the Government of the Dominion of Canada and the Government of Newfoundland, to be effected by an exchange of notes founded on your Memorandum of the 21st April last.

The two confidential Memoranda which I handed to you on the 13th instant contain, as you assume, the acceptance by the Dominion and by the British American coast provinces of the general features of your above-mentioned Memorandum, with the understanding expressed on their side that the agreement has been arrived at under circumstances affording prospect of negotiation for the development and extension of trade between the United States and British North America, a contingent understanding to which, as you state, you can have no objection, as you regard it as covered by the terms of your Memorandum of the 21st April.

In authorizing me to negotiate this agreement, Earl Granville states, as I have already had occasion to intimate to you, that it is on the distinct understanding that it is a temporary one, and that its conclusion must not be held to prejudice any claim which may be advanced to more satisfactory equivalents by the Colonial Governments, in the course of the negotiation for a more permanent settlement. Earl Granville further wishes me to tell you that Her Majesty Government and the Colonial Governments have consented to the arrangement solely as a mark of good-will to the Government and people of the United States, and to avoid difficulties which might be raised by the termination of the Fishery Articles in the midst of a fishing season, and also that the acceptance of such a *modus vivendi* does not by any implication affect the value of the inshore fisheries by the Governments of Canada and Newfoundland.

I had occasion to remark to you that while the Colonial Governments are asked to guarantee immunity from interference to American vessels resorting to Canadian waters, no such immunity is offered in your Memorandum to Canadian vessels resorting to American waters, but that the Dominion Government presumed that the agreement, in this respect, would be mutual. As you accepted this view, it would, I think, be as well that mention should be made to this effect in the notes. Under the reservations as above indicated, in which I believe you acquiesce, I am prepared to accept the understanding on behalf of British North America, and to exchange notes in the above sense.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

(6.)

Mr. Bayard to Mr. West.

Sir, *Department of State, Washington, June 20, 1885.*

I have just received your note of to-day's date in regard to the proposed temporary arrangement regarding the fisheries.

Undoubtedly it is our clear and mutual understanding that the arrangement now made is only temporary, and that it proceeds from the mutual good-will of our respective Governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season.

I understand also that the same immunity which is accorded by this agreement to the vessels belonging to the citizens of the United States engaged in fishing in the British American waters will be extended to British vessels and subjects engaged in fishing in the waters of the United States.

Perceiving, therefore, no substantial difference between our respective propositions and these statements as contained in our correspondence on the subject, I shall consider the agreement as embodied in our Memoranda and the correspondence between us, and as thus concluded, and public notification to that effect will be given in a few days by the President.

I have, &c.
(Signed) T. F. BAYARD.

(7.)

Mr. Bayard to Mr. West.

Sir, *Department of State, Washington, June 22, 1885.*

In compliance with your verbal request of this morning that I should restate part of my note to you of the 19th, I repeat that the arrangement whereby a

modus vivendi on the fishing question has been reached rests on the Memoranda and correspondence exchanged; that your Memorandum of the 13th instant expressed the understanding on your side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United and British North America;" that I not only had no objection to such an understanding, but, in fact, regarded it as amply embraced in our proposal to recommend a Commission to deal with the whole subject in the interest of good neighbourhood and intercourse; and that the recommendation of any measures which the Commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to have attentive consideration.

Having thus not only admitted the proviso of your Memorandum in your own language, but gone still further, and pointed out that no limits would be set, so far as I was concerned, to the proposals to be brought forward in the suggested Commission, on behalf of either party, I do not see how it is possible for me to give any stronger assurance that the understanding has "been reached under circumstances affording a prospect of negotiation for the development and extension of trade between the United States and British America."

I have, &c.
(Signed) T. F. BAYARD.

(8.)

Mr. West to Mr. Bayard.

Sir,

Washington, June 22, 1885.

I have the honour to acknowledge the receipt of your notes of the 20th and 22nd instant in regard to the proposed temporary arrangement touching the fisheries, in which you state that it is our clear and mutual understanding that such arrangement is only temporary, and that it proceeds from mutual good-will of our respective Governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season. Also that the same immunity which is accorded by this agreement to the vessels belonging to the citizens of the United States engaged in fishing in the British American waters will be extended to British vessels and subjects engaged in fishing in the waters of the United States, and that the agreement has been reached under circumstances affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

As, therefore, there exists no substantial difference between our respective propositions and the statements as contained in our correspondence on the subject, I shall consider the agreement, as embodied in our Memoranda and the correspondence between us, as thus concluded, and shall inform Her Majesty's Government and the Governments of the Dominion of Canada and Newfoundland accordingly.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

(9.)

Proclamation by the President of the United States, dated January 31, 1885.

[See Inclosure in No. 11.]

No. 15.

Sir R. Herbert to Sir J. Pauncefote.—(Received July 17.)

(Extract.)

Downing Street, July 16, 1885.

I AM to take this opportunity of inclosing the draft of a despatch which, with Lord Salisbury's concurrence, Colonel Stanley proposes to address to the Governor-General of Canada, and to the Officer administering the Government of Newfoundland, with regard to the arrangement made with the United States' Government.

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Inclosure in No. 15.

*Draft Despatch to the Marquis of Lansdowne and to the Officer administering the Government of Newfoundland.**

My Lord,

Sir,

Downing Street, July , 1885.

I UNDERSTAND that Her Majesty's Minister at Washington has communicated to you copies of the notes which have been exchanged between himself and the Government of the United States recording the arrangement recently arrived at with that Government upon the subject of the fisheries.

Her Majesty's Government trust that the terms of the arrangement made between Mr. West and Mr. Bayard are satisfactory to your Government.

I have, &c.

No. 16.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, July 18, 1885.

WITH reference to my letter of the 11th instant on the subject of the temporary arrangement with the United States relative to the fisheries, I am directed by the Marquis of Salisbury to suggest, for Colonel Stanley's consideration, that it would be desirable to call the attention of the Governments of Canada and Newfoundland to the necessity of arriving at a conclusion as to the course to be adopted in anticipation of the coming negotiations, for the successful conduct of which it will be necessary not only to be prepared with accurate information on all the points likely to be raised, but also to decide in advance on the exact nature of the proposals which it will be desirable to make in the interests of both Colonies.

I am at the same time to inquire whether Colonel Stanley is of opinion that any further, and if so what, action should be taken at present.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 17.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, July 20, 1885.

IN reply to your letter of the 16th instant, I am directed by the Marquis of Salisbury to state to you, for the information of Colonel Stanley, that his Lordship concurs in the terms of the despatch which it is proposed to address to the Governors of Canada and Newfoundland concerning the temporary arrangement with the United States respecting the fisheries.

I am to add that Sir L. West has been instructed, by telegraph, to send to both Colonies copies of the correspondence on the subject which has been published in the United States.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 18.

Mr. Bramston to Sir J. Pauncefote.—(Received August 24.)

Sir,

Downing Street, August 22, 1885.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 18th ultimo, suggesting that it would be desirable to call the attention of the Governments of Canada and Newfoundland to the necessity of arriving at a conclusion as to the course to be adopted in anticipation of the coming negotiations in view of the termination of the temporary arrangement with the

* The despatch was sent, dated the 21st July, 1885.

United States relative to the fisheries; and I am to request that you will inform the Marquis of Salisbury that Colonel Stanley addressed telegrams to the Governor-General of Canada and to the Officer administering the Government of Newfoundland in this sense.

A copy of the despatches containing the substance of these telegrams is annexed for Lord Salisbury's information.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 18.

*Colonel Stanley to the Marquis of Lansdowne.**

My Lord,

Downing Street, August 11, 1885.

ON the 1st instant I sent you a telegram in which I informed you that Her Majesty's Government deemed it desirable that steps should be taken by your Government, in concert with the Government of Newfoundland, to decide definitively on the exact nature of the proposals to be made to the Government of the United States in anticipation of the negotiations which are contemplated in view of the termination of the temporary arrangement lately made between Her Majesty's Minister at Washington and the United States' Government arising out of the termination of the Fishery Articles of the Treaty of Washington on the 1st of last month. I informed you to the effect that all points likely to be involved in the coming negotiations should be carefully considered, and information respecting them prepared in good time.

I now inclose a copy of a letter from the Foreign Office, on which my telegram was founded.

I should be glad if you will apprise me of the result of the communications which may pass between your Government and that of Newfoundland upon this subject.

I have, &c.
(Signed) F. STANLEY.

No. 19.

Mr. Meade to Sir J. Pauncefote.—(Received September 7.)

Sir,

Downing Street, September 5, 1885.

WITH reference to the letter from this Department of the 16th, and to your reply of the 20th July, respecting the terms of the despatches to be addressed to Canada and Newfoundland in connection with the arrangement recently arrived at with the United States on the subject of fisheries, I am directed by the Secretary of State for the Colonies to transmit to you, for such action as the Marquis of Salisbury may wish to take, a copy of a despatch from the Governor-General of Canada, with its inclosures, conveying an expression of the high appreciation entertained by the Government of the Dominion of the ability shown by Her Majesty's Minister at Washington in conducting the negotiations.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 19.

The Marquis of Lansdowne to Colonel Stanley.

Sir,

Government House, Ottawa, August 21, 1885.

WITH reference to your despatch of the 21st ultimo, I have the honour to inclose herewith a copy of an approved Report of a Committee of the Privy Council expressing the satisfaction of my Government with the arrangement respecting the fisheries which has been concluded with the United States, and their high appreciation of the ability with which Her Majesty's Minister at Washington has conducted the negotiations in the matter.

I have forwarded a copy of this Minute of Council to Sir Lionel Sackville West.

I have, &c.
(Signed) LANSDOWNE.

* Also to the Governor of Newfoundland.

Inclosure 2 in No. 19.

Report of the Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General on the 4th August, 1885.

THE Committee of the Privy Council have had under consideration a despatch, dated the 21st July, 1885, from the Right Honourable the Secretary of State for the Colonies, expressing the hope that the terms of the arrangement made between the British Ambassador at Washington and Mr. Bayard on the subject of the fisheries would be satisfactory to the Canadian Government.

The Committee desire to state to your Excellency that such arrangement is perfectly satisfactory; and they further beg to express their high appreciation of the able manner in which Her Majesty's Minister at Washington, Sir Sackville West, conducted the negotiations.

The Committee advise that your Excellency be moved to transmit a copy of this Minute to the Right Honourable the Secretary of State for the Colonies and to the British Ambassador at Washington.

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

No. 20.

Mr. Meade to Sir J. Pauncefote.—(Received September 21.)

Sir,

Downing Street, September 19, 1885.

WITH reference to the letter from this Department of the 22nd ultimo, relating to the course to be adopted in anticipation of the coming negotiations in view of the termination of the temporary arrangement with the Government of the United States relative to the fisheries, I am directed by Colonel Stanley to transmit to you, for the information of the Marquis of Salisbury, copies of despatches from the Governor-General of Canada and from the Officer administering the Government of Newfoundland upon this subject.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 20.

The Marquis of Lansdowne to Colonel Stanley.

Sir,

Government House, Ottawa, September 4, 1885.

WITH reference to your despatch of the 11th ultimo, expressing the desire of Her Majesty's Government that my Government and that of Newfoundland should take steps towards defining the exact nature of the proposals to be made to the Government of the United States in anticipation of the negotiations which are contemplated in view of the termination of the temporary arrangement recently concluded respecting the fisheries, I have the honour to forward herewith a copy of an approved Report of a Committee of the Privy Council, from which it will be seen that communications will at once be opened with the Government of Newfoundland in order to secure a discussion of the whole question between the two Governments.

I have to-day communicated by cable with the Governor of Newfoundland in this matter.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 20.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 3rd September, 1885.

THE Committee of the Privy Council have had under consideration a despatch dated the 11th August, 1885, from the Right Honourable the Secretary of State for

the Colonies, advising that Her Majesty's Government deemed it desirable that steps should be taken by the Canadian Government, in concert with the Government of Newfoundland, to decide definitively on the exact nature of the proposals to be made to the Government of the United States in anticipation of the negotiations which are contemplated in view of the termination of the temporary arrangement lately made between Her Majesty's Minister at Washington and the United States' Government, arising out of the termination of the Fishery Articles of the Treaty of Washington on the 1st July last.

The Right Honourable the President of the Council, to whom the despatch was referred, recommends that communications should be had, both by cable and letter, inviting the Government of Newfoundland either to send a Representative to Ottawa to discuss the whole question, or, if that be inconvenient, to communicate the views of the Island Government.

The Committee concur in the recommendation of the President of the Council, and they advise that your Excellency be moved to transmit a copy of this Minute, if approved, to his Excellency the Governor of Newfoundland, and also to the Right Honourable the Secretary of State for the Colonies, so as to inform him of the action taken by the Canadian Government on his despatch of the 11th August ultimo.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 20.

Administrator Sir F. Carter to Colonel Stanley.

Sir, *Government House, Newfoundland, August 31, 1885.*

WITH reference to your despatch of the 11th August instant respecting the proposals to be made to the Government of the United States in view of the negotiations contemplated in connection with the termination of the Fishery Articles of the Treaty of Washington, I have the honour to state that the Government of this Colony has communicated with that of the Dominion of Canada on this subject, but, as yet, no reply has been received.

I have, &c.
(Signed) F. B. T. CARTER.

No. 21.

The Marquis of Salisbury to Sir L. West.

Sir, *Foreign Office, September 26, 1885.*

I TRANSMIT to you herewith a copy of a letter from the Colonial Office, inclosing a copy of a despatch from the Governor-General of Canada, with its inclosure, conveying an expression of the high appreciation entertained by the Government of the Dominion of the able manner in which you conducted the negotiations in connection with the arrangement recently arrived at with the United States on the subject of fisheries.*

I have received this communication with great satisfaction, and I have now to express to you the approval of Her Majesty's Government for your action in the matter.

I am, &c.
(Signed) SALISBURY.

No. 22.

Sir L. West to the Marquis of Salisbury.†—(Received October 23.)

My Lord, *Washington, October 10, 1885.*

IN connection with the Fisheries question I have the honour to inclose to your Lordship herewith copies of a Circular issued by a Committee of the Boston Fish Bureau, and to inform your Lordship that I have called the attention of the Secretary of State thereto.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

* No. 19.

† Copy to Colonial Office, October 27.

Inclosure in No. 22.

Circular.

Dear Sir,

Boston, September 1885.

THE Boston Fish Bureau, an organization composed of the principal wholesale dealers and commission merchants in fish of this city, has passed the following Resolution :—

“ Resolved, that the Boston Fish Bureau earnestly favours such an arrangement between the United States, the Dominion of Canada, and the Province of Newfoundland as shall include the reciprocal admission, free of duties, of the products of the fisheries of these countries.”

We desire to present the reasons for this Resolution, and to appeal to the dealers in, and consumers of, fish throughout the country, to aid us in impressing upon Congress the importance of free importation of fish from the British provinces. It is well known that the New England fisheries do not produce certain varieties of fish which the trade requires, and of certain other kinds the supply obtained on our coast is entirely inadequate to our needs. We are obliged to rely entirely upon the provinces for our stock of fat herring and for the larger part of the cheaper grades of herring, both pickled and smoked, of alewives, salmon, trout, and shad. We need the hard dried codfish of Newfoundland, and the choice slack-salted codfish and pollock of Nova Scotia. For several years past the mackerel caught in American waters have been mostly of small size, and we have needed the larger fish caught in Canadian waters. During the past two winters we could not have filled orders for large fat mackerel except for the supply obtained from Nova Scotia and Prince Edward Island. Present indications point to a repetition of this condition during the coming winter. Whatever we need from Canada must be obtained at the additional expense of the duties, which the consumer must pay. The duties, being specific, bear very heavily on the cheaper grades of fish, amounting in many cases to from 50 per cent. to 100 per cent. on the original cost, and resulting in a prohibition of imports or a very largely enhanced cost to the consumer.

The people who will gain anything by the exaction of duties are a few hundred vessel-owners in New England. The pretence that protective duties on fish is an encouragement to American fishermen, and the argument that the fisheries furnish a training school for our navy, were long since exploded by the fact that a very large proportion of the men who fish in American vessels are citizens of the British provinces. Hordes of them come here every spring, man our vessels for the fishing season, and return home when it is over. It is estimated that from 50 per cent. to 75 per cent. of the men in the Gloucester mackerel fleet are citizens of the Dominion of Canada, and the same is true to a greater or less extent of other fishing ports. It is acknowledged that without them we would be unable to man our fleet. These men have no interest in our country and its institutions, and in the event of war with England would be found in the enemy's fleet. Is it fair that we should be taxed for their support, or that a few owners of fishing-vessels should reap an advantage obtained at the expense of the great body of consumers of fish in all parts of the country?

As dealers in fish, handling large quantities of the products of the sea, we feel that our interests are identical with yours in demanding that there should be no duties on articles of food which are consumed so largely by people of moderate means. Questions of a larger nature, involving matters of international importance, make it probable that the subject of reciprocity with Canada will come before Congress at its next Session. We ask of you that you will use your best efforts to impress upon your Senators and Representatives that they should vote upon this question in accordance with your interests and with the interests of a large majority of the people of the country.

Respectfully yours,
(Signed)

WILLIAM F. JONES,
C. W. WRIGHTINGTON,
EDWARD T. RUSSELL,
L. PICKERT,
B. F. DE BUTTS,

Committee of the Boston Fish Bureau.

Sir L. West to the Marquis of Salisbury.—(Received December 12.)

(Telegraphic.)

Washington, December 11, 1885, 11.40 P.M.

FISHERY Articles. Text of passage in President's Message:—

"In the interest of good neighbourhood and of the commercial intercourse of adjacent communities, the question of the North American Fisheries is one of much importance. Following out the intimation given by me when the extensory arrangement above described was negotiated, I recommend that the Congress provide for the appointment of a Commission, in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement upon a just, equitable, and honourable basis of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America. The fishing interest being intimately related to other general questions dependent upon contiguity and intercourse, consideration thereof in all their equities might also properly come within the purview of such a Commission, and the fullest latitude of expression of both sides should be permitted."

Mr. Bramston to Sir J. Pouncefote.—(Received December 12.)

Sir,

Downing Street, December 11, 1885.

WITH reference to previous correspondence respecting the contemplated negotiations with the Government of the United States arising out of the termination of the Fishery Articles of the Treaty of Washington, I am directed by Colonel Stanley to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, inclosing a Report of the Privy Council, proposing that the Government of Newfoundland should send a Delegation to Ottawa at an early day for the purpose of conferring with the Government of the Dominion on the subject in question.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 24.

The Marquis of Lansdowne to Colonel Stanley.

Sir,

Government House, Ottawa, November 23, 1885.

WITH reference to previous correspondence relating to the anticipated negotiations on the termination of the temporary arrangement with the United States as to the fisheries, I have the honour to forward herewith, for your information, a copy of an approved Report of a Committee of the Privy Council, expressing the desire of my Ministers that the Government of Newfoundland should send a Delegation to Ottawa at an early day for the purpose of conferring with the Government of the Dominion on the subject in question.

I have sent a copy of this Minute of Council to the Officer administering the Government of Newfoundland.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 24.

Report.

THE Committee of the Privy Council have had under consideration a despatch, dated the 21st September, 1885, from the Administrator of the Government of Newfoundland, on the subject of that Colony sending a Delegate to confer with the

Government of the Dominion respecting a new Fisheries arrangement between the United States, Canada, and Newfoundland, and setting forth that in view of the number of the Executive Council of Newfoundland being reduced to four members, and the early approach of a general election, that Government did not feel itself in a position to send a Delegate to Canada, or to offer any definite expression of the views of the Colony on the important subject in question, and requesting that any further proceedings on the part of the Dominion Government be deferred until the result of the approaching election be determined, and intimating its desire to be favoured with the views of the Dominion Government.

The Minister of Marine and Fisheries, to whom the despatch was referred, recommends that, in view of the important question to be considered and the wide range any discussion with reference thereto may take, the Government of Newfoundland be informed that the Dominion Government is of the opinion that the views of the respective Governments can be much more satisfactorily exchanged by the Government of Newfoundland sending a Delegation to Ottawa for that purpose than by correspondence, and to express the hope that it may be convenient for that Government to send such Delegation at an early day to confer with your Excellency's Government on the subject to which the despatch under consideration refers.

The Committee concur in the recommendation of the Minister of Marine and Fisheries, and they advise that your Excellency be moved to transmit a copy of this Minute, if approved, to the Administrator of the Government of Newfoundland.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

No. 25.

Sir J. Pauncefote to Mr. Bramston.

Sir,

Foreign Office, December 14, 1885.

I AM directed by the Marquis of Salisbury to transmit to you a copy of a telegram from Her Majesty's Minister at Washington, giving the exact text of that portion of the President's Message which relates to the appointment of a Commission to settle the Fisheries question,* and I am to request that you will move Colonel Stanley to inform his Lordship whether he is of opinion that any, and if so what, communication should be made to Sir L. West in relation thereto.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 26.

Mr. Meade to Sir J. Pauncefote.—(Received January 1, 1886.)

Sir,

Downing Street, December 31, 1885.

I AM directed by Colonel Stanley to acknowledge the receipt of your letter of the 14th instant, inclosing copy of a telegram from Her Majesty's Minister at Washington, giving the text of that portion of the Message of the President of the United States which relates to the appointment of a Commission to settle the Fisheries question.

Colonel Stanley is of opinion that Sir Lionel West should be instructed to express to Mr. Bayard the satisfaction with which Her Majesty's Government have read that portion of the President's Message which referred to the fisheries, and their readiness to join in the appointment of the proposed Commission.

Sir L. West might also suggest to Mr. Bayard at the same time the expediency of pressing matters to a conclusion as soon as possible, inasmuch as the fishing season will commence early in the spring.

I am, &c.
(Signed) R. H. MEADE.

* No. 23.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, January 5, 1886.

I HAVE to request that you will express to the Government of the United States the satisfaction with which Her Majesty's Government have observed the reference which is made in the President's Message to the Fisheries question, and to the appointment of a Mixed Commission to deal with it.

It would be desirable for you to suggest that this matter should now be pressed to a conclusion as soon as possible, as the next fishing season commences early in the spring.

I have instructed you to this effect by telegraph to-day.

I am, &c.
(Signed) SALISBURY.

Sir L. West to the Marquis of Salisbury.—(Received January 29.)*

(Extract.)

Washington, January 16, 1886.

I HAVE the honour to inform your Lordship that I have duly expressed to the Secretary of State the satisfaction of Her Majesty's Government at the paragraph in the President's Message in which allusion is made to the Fisheries question, and the appointment of a Commission, as conveyed in your Lordship's telegram of the 5th instant, and that to-day I had an opportunity of pressing upon him the necessity, in view of the approaching fishing season, of urging the decision of Congress in the matter.

Sir L. West to the Marquis of Salisbury.†—(Received February 1.)

My Lord,

Washington, January 16, 1886.

I HAVE the honour to inclose to your Lordship herewith copies of a Joint Resolution introduced into the House of Representatives for a renewal of commercial relations with the British possessions in North America, which has been referred to the Committee on Foreign Affairs.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 29.

49th Congress, 1st Session.—H. Res. 40.

IN THE HOUSE OF REPRESENTATIVES.

January 5, 1886.—Read twice, referred to the Committee on Foreign Affairs, and ordered to be printed.

MR. MAYBURY introduced the following Joint Resolution:—

Joint Resolution for Renewal of Commercial Relations with the British Possessions in North America.

Whereas the Reciprocity Treaty with Great Britain, regulating commerce and navigation between the United States and the British Colonies of North America, was terminated on the 17th March, A.D. 1866, in virtue of previous notice given by the United States; and

* Copy to Colonial Office, February 1.

† Copy to Colonial Office, February 3.

Whereas the provisions of said Treaty providing for mutual rights in certain sea fisheries, and for the free navigation of the Great Lakes, the River Saint Lawrence, and the canals connected therewith, were restored in 1871 by the Treaty of Washington, so called; and

Whereas the circumstances under which the notice of the abrogation of said Treaty of Reciprocity was made have been changed and modified by time, and unfettered trade and commerce between the British possessions in North America and the United States would now be reciprocally beneficial, advantageous, and satisfactory: therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that this Congress would look with favour and approval upon any action taken by the executive department of the Government tending to a renewal of commercial relations with the British possessions in North America by compact or Treaty, having in view the reciprocal interests of both nations.

No. 30.

Sir L. West to the Marquis of Salisbury.—(Received February 1.)*

(Extract.)

Washington, January 20, 1886.

I HAVE the honour to inclose to your Lordship herewith the official Report of a debate in the Senate on the Fisheries question which took place on a Resolution to the effect that the Senate ought not to sanction the appointment of a Commission as recommended by the President.†

Their chief arguments were—

1. That the Secretary of State had no right to enter into the temporary agreement without the consent of the Senate.

2. That the fish had, for some unexplained reason, left Canadian waters, and now resorted to American waters, and that, therefore, American fishermen did not require the renewal of fishing privileges which had cost the country 5,500,000 dollars. This last argument was ably combated by Senator Morgan, who said:—

“We have found out, according to the statement of the Senator from Massachusetts (Senator Hoar), that the fish themselves, by some new instinct, had commenced floating to our Massachusetts shores, and, therefore, we found that it was convenient and proper for us to change the fundamental law between the United States and Great Britain on the subject of the fisheries.” “If that,” he continued, “is not bringing the Government of the United States down upon its knees in an attitude of humiliation before the other nations of the world, I do not understand the subject. . . . It turns out that the whole trouble is that the mackerel have changed the course of their run, and that we are now making a bad bargain out of what was formerly a good one.”

The Resolution has, without further debate, been referred to the Committee on Foreign Relations. On the other hand, the House Committee on Foreign Affairs have informally discussed the Fisheries question. The general sentiment is said to have been that the whole subject of the relations of the United States with Canada should receive the careful consideration of Congress.

No. 31.

Mr. Bramston to Sir J. Pouncefote.—(Received February 19.)

Sir,

Downing Street, February 18, 1886.

I AM directed by Earl Granville to acknowledge the receipt of your letters of the 3rd and 4th instant relative to the North American Fisheries question, and to state that copies have been communicated to the High Commissioner for Canada. A copy of your letter of the 4th instant, with its first inclosure, has also been transmitted to the Governor-General in a despatch for the information of his Ministers.

* Copy to Colonial Office, February 4.

† Not printed.

Lord Granville has read with care the report of the debate in the Senate, and Sir Lionel West's despatch, and he desires to offer the following observations for the Earl of Rosebery's consideration.

The statement that the United States' fishermen no longer need permission to fish in Canadian waters in consequence of the altered habits of the mackerel, which now prefer the New England coast, is confidently made; but it may be doubted whether it can be expected to afford much prospect of peace in Canadian waters during the approaching fishing season.

It is to be noted that the objections expressed in the Senate to the proposed Commission appear to be based, principally if not entirely, on fishery considerations. The Resolution, however, introduced into both Houses, on behalf of the United States' Government, was studiously framed so as to propose, not new fishery arrangements, but general arrangements for commercial reciprocity; and the concluding words of Sir L. West's despatch of the 20th ultimo seem to indicate a belief that Congress may not be unwilling, after the Fishery question has been put aside, to consider the relations between Canada and the United States on broad and general grounds.

The question is now becoming urgent; for if, as must be anticipated notwithstanding the statements and opinions of some Senators, even a moderate number of United States' vessels fit out for, and proceed to, the Canadian fishing-grounds in April next, it will be necessary that Her Majesty's Government should be fully prepared to deal with the difficulties that will be created.

It is understood that the Canadian Government is inclined to a firm and vigorous exclusion of United States' fishermen from Canadian waters, on the ground that they have no right to be there, and that the maritime provinces of the Dominion will strongly insist on their exclusion, their fishermen possibly even taking the law into their own hands, unless Canadian fish is, as hitherto, admitted duty free into United States' ports. It will probably also be urged that if the fishery is surrendered to the United States without any equivalent, an important element of barter in a general Commercial Treaty will have been sacrificed.

Under all the circumstances, Lord Granville would suggest that it might be desirable that his Lordship and Lord Rosebery should invite Sir C. Tupper (and perhaps, also, Sir A. Galt, who, as having been Her Majesty's Commissioner in 1874, has a great knowledge of these questions), to a Conference at an early date to discuss the whole question.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 32.

Sir J. Pancefote to Sir R. Herbert.

Sir, *Foreign Office, February 23, 1886.*
IN reply to your letter of the 18th instant, I am directed by the Earl of Rosebery to state that his Lordship concurs in Earl Granville's suggestion that a meeting should be held at the Colonial Office, at an early date, for the purpose of consulting Sir A. Galt and Sir C. Tupper as to the proper course to be pursued in connection with the North American Fisheries question.

I am to request that the necessary arrangements may be made accordingly.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 33.

The Earl of Rosebery to Sir L. West.

Sir, *Foreign Office, March 18, 1886.*
FROM the Reports which have been received in this country Her Majesty's Government conclude that the Government of the United States will not propose the appointment of an International Commission to settle the North American Fisheries question, as contemplated in the temporary arrangement concluded last summer.

Whilst Her Majesty's Government regret that they will thus be deprived of a favourable opportunity for the settlement of this long-standing question on equitable terms, they desire by every means in their power to avoid any friction which might

be caused by the cessation of the privileges lately enjoyed by United States' fishermen.

I have therefore to request that you will sound Mr. Bayard as to whether the United States' Government propose to issue a notice warning United States' fishermen that they are now precluded from fishing in British North American territorial waters, as Her Majesty's Government are now considering the propriety of issuing a similar notice with regard to British fishermen in United States' waters.

I have instructed you in this sense by telegraph to-day.

I am, &c.
(Signed) ROSEBERY.

No. 34.

Sir R. Herbert to Sir J. Pauncefote.—(Received April 2.)

Sir,

Downing Street, March 31, 1886.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Rosebery, with reference to the North American Fisheries question, an extract from the Speech with which the Governor-General of Canada opened, on the 25th ultimo, the fourth Session of the fifth Parliament of the Dominion.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 34.

Extract from the opening Speech of the Marquis of Lansdowne to the Legislature of Canada, on the 25th February, 1886.

SHOULD the negotiations between Her Majesty's Government and that of the United States for the appointment of a Joint Commission to adjust what is known as the "Fishery question," and to consider the best means of developing our international commerce, fail to secure any satisfactory result, you will be asked to make provision for the protection of our inshore fisheries by the extension of our present system of marine police.

No. 35.

Sir L. West to the Earl of Rosebery.—(Received April 5.)*

My Lord,

Washington, March 24, 1886.

WITH reference to my telegram of this day's date, I have the honour to inclose to your Lordship herewith copy of a note which, at the request of the Secretary of State, I addressed to him on the subject of your Lordship's telegram of the 18th instant, as well as copy of his reply thereto, informing me that it is not intended to issue any further notice to the effect that American fishermen are now precluded from fishing in British North American territorial waters.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 35.

Sir L. West to Mr. Bayard.

Sir,

Washington, March 19, 1886.

I HAVE the honour to inform you that the Earl of Rosebery has requested me to ascertain whether it is intended to give notice to the United States' fishermen that they are now precluded from fishing in British North American territorial waters, as

* Copy to Colonial Office, April 9.

Her Majesty's Government are considering the expediency of issuing a reciprocal notice with regard to British fishermen in American waters.

I am, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 2 in No. 35.

Mr. Bayard to Sir L. West.

Sir,

Washington, March 23, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 19th instant, whereby you inform me that you have been requested by the Earl of Rosebery to ascertain "whether it is intended to give notice to the United States' fishermen that they are now precluded from fishing in British North American territorial waters," and to inform you, in reply, that as full and formal public notification in the premises has already been given by the President's Proclamation of the 31st January, 1885, it is not deemed necessary now to repeat it.

The temporary arrangement made between us on the 22nd June, 1885, whereby certain fishing operations on the respective coasts were not to be interfered with during the fishing season of 1885, notwithstanding the abrogation of the Fishery Articles of the Treaty of Washington, came to an end under its own expressed limitations on the 31st December last, and the Fisheries question is now understood to rest on existing Treaties, precisely as though no Fishery Articles had been incorporated in the Treaty of Washington.

In view of the enduring nature and important extent of the rights secured to American fishermen in British North American territorial waters, under the provisions of the Treaty of 1818, to take fish within the 3-mile limit on certain defined parts of the British North American coasts, and to dry and cure fish there under certain conditions, this Government has not found it necessary to give to United States' fishermen any notification that "they are now precluded from fishing in British North American territorial waters."

I have, &c.
(Signed) T. F. BAYARD.

No. 36.

Mr. Bramston to Sir J. Pauncefote.—(Received April 21.)

Sir,

Downing Street, April 21, 1886.

WITH reference to previous correspondence respecting the termination of the Fishery Articles of the Treaty of Washington, I am directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Secretary of State for Foreign Affairs, a copy of a despatch from the Governor-General of Canada, inclosing copies of instructions to fishery officers and of a Warning notice, which have been issued by the Dominion Government.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 36.

The Marquis of Lansdowne to Earl Granville.

My Lord,

Government House, Ottawa, March 25, 1886.

I HAVE the honour to forward, for your Lordship's information, a copy of the instructions which have been issued by my Minister of Marine and Fisheries for the guidance of fishery officers and ex-officio magistrates in command of the vessels which will be employed for the protection of the inshore fisheries of the Dominion.

These instructions are substantially the same as those which were issued under similar circumstances in 1870.

Your Lordship will observe that while the officers in command of the fisheries police vessels are required to take the necessary steps for strictly upholding the Treaty rights of the Dominion, they are specially enjoined to carry out their instructions in a conciliatory spirit, and with forbearance and discrimination.

I also inclose copy of "a Warning" notice which was published in reference to the same subject by the Department of Fisheries.*

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 36.

Special Instructions to Fishery Officers, ex-officio Magistrates in command of Government Steamers and Vessels, engaged as Fisheries Police Vessels, in protecting the Inshore Fisheries of Canada.

Sir, Ottawa, March 16, 1886.

IN the performance of the special and important service to which you have been appointed you will be guided by the following instructions.

For convenience of reference, these have been divided under the different headings of *Powers, Jurisdiction, Duties, and General Directions.*

The powers with which you are invested are derived from, and to be exercised in accordance with, the following Statutes among others:—"The Fisheries Act" (31 Vic., cap. 60, of Canada); "An Act respecting Fishing by Foreign Vessels" (31 Vic., cap. 61, of Canada), and the subsequent Statute entitled: "An Act to amend the Act respecting Fishing by Foreign Vessels," made and passed the 12th May, 1870 (33 Vic., cap. 15, of Canada); also an "Act to further amend the said Act" (34 Vic., cap. 23, of Canada).

"Chapter 94 of the Revised Statutes (third series) of Nova Scotia" (of the Coast and Deep Sea Fisheries), amended by the Act entitled "An Act to amend cap. 94 of the Revised Statutes of Nova Scotia" (29 Vic., cap. 35).

An Act passed by the Legislature of the Province of New Brunswick entitled "An Act relating to the Coast Fisheries and for the prevention of Illicit Trade" (16 Vic., cap. 69).

Also an Act passed by the Legislature of Prince Edward Island (6 Vic., cap. 14), entitled "An Act relating to the Fisheries and for the prevention of Illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof."

Also from such Regulations as have been passed, or may be passed, by the Governor-General in Council, or from instructions from the Department of Fisheries, under "The Fisheries Act" hereinbefore cited.

As Fishery Officer you have full authority to compel the observance of the requirements of the Fisheries Acts and Regulations by foreign fishing-vessels and fishermen in those parts of the coasts of Canada to which, by the Convention of 1818, they are admitted to privileges of taking or drying and curing fish concurrent with those enjoyed by British fishing-vessels and fishermen.

You will receive instructions from the Customs Department authorizing you to act as an officer of the Customs, and in that capacity you are to see that the Revenue Laws and Regulations are duly observed.

Your jurisdiction with respect to any action you may take against foreign fishing-vessels, and citizens engaged in fishing, is to be exercised only within the limits of "3 marine miles" of any of "the coasts, bays, creeks, or harbours" of Canada.

With regard to the Magdalen Islands, although the liberty to land and to dry and cure fish there is not expressly given by the terms of the Convention to United States' fishermen, it is not at present intended to exclude them from these islands.

It will be your duty to protect the inshore fisheries of Canada in accordance with the conditions laid down by the Convention of the 20th October, 1818, the 1st Article of which provides:

"Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the High Contracting Parties, that the inhabitants of the said United States shall have, for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from

* For Warning as eventually amended, see p. 87.

Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground."

"And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours, for the purpose of shelter and repairing of damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

By this you will observe United States' fishermen are secured the liberty of taking fish on the southern coasts of Labrador, and around the Magdalen Islands, and of drying and curing fish along certain of the southern shores of Labrador, where this coast is unsettled, or if settled, after previous agreement with the settlers or owners of the ground.

In all other parts the exclusion of foreign vessels and boats is absolute, so far as fishing is concerned, and is to be enforced within the limits laid down by the Convention of 1818, they being allowed to enter bays and harbours for four purposes only, viz., *for shelter, the repairing of damages, the purchasing of wood, and to obtain water.*

You are to compel, if necessary, the maintenance of peace and good order by foreign fishermen pursuing their calling and enjoying concurrent privileges of fishing or curing fish with British fishermen in those parts to which they are admitted by the Treaty of 1818.

You are to see that they obey the laws of the country, that they do not molest British fishermen in the pursuit of their calling, and that they observe the Regulations of the Fishery Laws in every respect.

You are to prevent foreign fishing-vessels and boats which enter bays and harbours for the four legal purposes above mentioned from taking advantage thereof to take, dry, or cure fish therein, to purchase bait, ice, or supplies, or to tranship cargoes, or from transacting any business in connection with their fishing operations.

It is not desired that you should put a narrow construction on the term "unsettled." Places containing a few isolated houses might not, in some instances, be susceptible of being considered as "settled" within the meaning and purpose of the Convention. Something would, however, depend upon the facts of the situation and circumstances of the settlement. Private and proprietary rights form an element in the consideration of this point. The generally conciliatory spirit in which it is desirable that you should carry out these instructions, and the wish of Her Majesty's Government that the rights of exclusion should not be strained, must influence you in making as fair and liberal an application of the term as shall consist with the just claims of all parties.

Should interference with the pursuits of British fishermen or the property of Canadians appear to be inseparable from the exercise of such indulgence, you will withhold it and insist upon entire exclusion.

United States' fishermen should be made aware that, in addition to being obliged, in common with those subjects of Her Majesty with whom they exercise concurrent privileges of fishing in colonial waters, to obey the laws of the country, and particularly such Acts and Regulations as exist to insure the peaceable and profitable enjoyment of the fisheries by all persons entitled thereto, they are peculiarly bound to preserve peace and order in the quasi-settled places to which, by the liberal disposition of Canadian authorities, they may be admitted.

Wheresoever foreigners may fish in Canadian waters, you will compel them to observe the Fishery Laws. Particular attention should be directed to the injury which results from cleaning fish on board of their vessels while afloat, and the throwing overboard of offals, thus fouling the fishing, feeding, and breeding grounds. "The Fisheries Act" (section 14) provides a heavy penalty for this offence.

Take occasion to inquire into and report upon any modes of fishing, or any practices adopted by foreign fishermen, which appear to be injurious to the fisheries.

You will accost every foreign fishing-vessel within the limits described, and if that vessel should be either fishing, preparing to fish, or should obviously have been fishing within the prohibited limits, you will, by virtue of the authority conferred upon you by your Commission, and under the provisions of the Acts above recited, seize at once (resort to force in doing so being only justifiable after every other effort has failed), any vessel detected in violating the law, and send her or take her into port for condemnation.

Copies of the Acts of Parliament subjecting to seizure and forfeiture any foreign ship, vessel, or boat which should be either fishing, preparing to fish, or should obviously have been fishing within the prohibited limits, and providing for carrying out the seizure and forfeiture, are furnished herewith for your information and distribution.

Should you have occasion to compel any foreign fishing-vessels or fishermen to conform to the requirements of the "Fisheries Act and Regulations," as regards the modes and incidents of fishing, at those places to which they are admitted under the Convention of 1818, particularly in relation to ballast, fish-offals, setting of nets, hauling of seines, and use of "trawls" or "bultows," more especially at and around the Magdalen Islands, your power and authority under such cases will be similar to that of any other fishery officer appointed to enforce the Fishery Laws in Canadian waters (*vide Fisheries Act*).

If a foreign ship, vessel, or boat be found violating the Convention or resisting consequent seizure, and momentarily effects her escape from the vicinity of her capture or elsewhere, she remains always liable to seizure and detention if met by yourself in Canadian waters, and in British waters everywhere, if brought to account by Her Majesty's cruisers. But great care must be taken to make certain of the identity of any offending vessel to be so dealt with.

All vessels seized must be placed, as soon as possible, in the custody of the nearest Customs Collector, and information, with a statement of the facts, and the depositions of your sailing-master, clerk, lieutenant, or mate, and of two at least of the most reliable of your crew, be dispatched with all possible diligence to the Government. Be careful to describe the exact locality where the violation of the law took place and the ship, vessel, or boat was seized. Also corroborate the bearings taken by soundings, and by buoying the place (if possible) with a view to actual measurement, and make such incidental reference to conspicuous points and land-marks as shall place beyond doubt the illegal position of the seized ship, vessel, or boat.

Omit no precaution to establish on the spot that the trespass was or is being committed within three miles of land.

As it is possible that foreign fishing craft may be driven into Canadian waters by violent or contrary winds, by strong tides, through misadventure, or some other cause independent of the will of the master and crew, you will consider these circumstances, and satisfy yourself with regard thereto before taking the extreme step of seizing or detaining any vessel.

On capture, it will be desirable to take part of the foreign crew aboard the vessel under your command, and place some of your own crew, as a measure of precaution, on board the seized vessel; first lowering the foreign flag borne at the time of capture. If your ordinary complement of men does not admit of this being done, or, if because of several seizures, the number of your hands might be too much reduced, you will in such emergency endeavour to engage a few trustworthy men. The portion of foreign crew taken on board the Government vessel you will land at the nearest place where a Consul of the United States is situated, or where the readiest conveyance to any American Consulate in Canada may be reached, and leave them there.

When any of Her Majesty's vessels about the fishing stations or in port are met with, you should, if circumstances permit, go on board and confer with the Naval Commander, and receive any suggestions he may feel disposed to give which do not conflict with these instructions, and afford him any information you may possess about the movements of foreign craft; also inform him what vessels you have accosted and where.

Do not fail to make a full entry of all circumstances connected with foreign fishing-vessels, noting their names, tonnage, ownership, crew, port, place of fishing, cargo, voyage, and destination, and (if ascertainable) their catch. Report your proceedings as often as possible, and keep the Department fully advised on every opportunity, where instructions would most probably reach you at stated intervals.

Directions as to the stations and limits on which you are to cruise, and any further instructions that may be deemed necessary, will from time to time be conveyed to you.

Considerable inconvenience is caused by Canadian fishing-vessels neglecting to show their colours. You will draw the attention of masters to this fact, and request them to hoist their colours without requiring to be hailed and boarded.

It cannot be too strongly urged upon you, nor can you too earnestly impress upon the officers and crew under you command, that the service in which you and they are engaged should be performed with forbearance and discrimination.

The Government relies on your prudence, discretion, and firmness in the performance of the special duties intrusted to you.

I am, &c.

(Signed)

Minister of Marine and Fisheries.

No. 37.

Sir L. West to the Earl of Rosebery.—(Received April 24.)

My Lord,

Washington, April 11, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a despatch which I addressed to the Marquis of Lansdowne, calling attention to the reported argument of the United States' Consul-General at Halifax in relation to the provisions of the Treaty of 1818, as well as copy of his Excellency's reply thereto, together with copy of the Report of a Committee of the Privy Council of Canada setting forth their views on this point.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 1 in No. 37.

Sir L. West to the Marquis of Lansdowne.

My Lord,

Washington, March 29, 1886.

I HAVE the honour to inform your Excellency that the American Consul-General at Halifax is reported to have argued that there is nothing in the Treaty of 1818 to prevent Americans, having caught fish in deep water and cured them, from landing them in marketable condition at any Canadian port and transshipping them in bond to the United States either by rail or vessel, and that, moreover, a refusal to permit the transportation would be a violation of the general bonding arrangement between the two countries.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 2 in No. 37.

The Marquis of Lansdowne to Sir L. West.

Sir,

Government House, Ottawa, April 7, 1886.

I CAUSED to be referred to my Government your despatch of the 29th March, in which you informed me that the United States' Consul-General at Halifax was reported to have argued that there was nothing in the Convention of 1818 to prevent American fishermen from landing at any Canadian port, cured and in a marketable condition, fish which had been caught by them outside the territorial waters of this country, and transshipping the same in bond to the United States by rail or otherwise, and that any refusal to permit such transportation would be a violation of the general bonding arrangement existing between the two countries.

2. I have now the honour to forward herewith, for your confidential information, copies of an approved Report of a Committee of the Privy Council, setting forth the

views of my Government upon the point raised by the Consul-General, and of a despatch which I have sent to Earl Granville upon the same subject.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 3 in No. 37.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 6th April, 1886.

THE Committee of the Privy Council have had under consideration a despatch, dated the 29th March, 1886, from Her Majesty's Minister at Washington, informing your Excellency that the United States' Consul-General at Halifax was reported to have argued that there is nothing in the Convention of 1818 to prevent Americans, having caught fish in deep water and cured them from landing them in a marketable condition at any Canadian port and transshipping them in bond to the United States either by rail or vessel, and that any refusal to permit such transshipment would be a violation of the general bonding arrangement between the two countries.

The Sub-Committee to whom the despatch in question was referred report that if the contention of the United States' Consul at Halifax is made in relation to American fishing-vessels, it is inconsistent with the Convention of 1818.

That they are of opinion, from the language of that Convention—"Provided, however, that the American fishermen shall be permitted to enter such bays or harbours for the purposes of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever"—that, under the terms of the Convention, United States' fishermen may properly be precluded from entering any harbour of the Dominion for the purpose of transshipping cargoes, and that it is not material to the question that such fishermen may have been engaged in fishing outside of the "3-mile limit" exclusively, or that the fish which they may desire to have transhipped have been taken outside of such limit.

That to deny the right of transshipment would not be a violation of the general bonding arrangement between the two countries.

That no bonding arrangement has been made which, to any extent, limits the operation of the Convention of 1818, and, inasmuch as the right to have access to the ports of what is now the Dominion of Canada for all other purposes than those named, is explicitly renounced by the Convention, it cannot with propriety be contended that the enforcement of the stipulation above cited is contrary to the general provisions upon which intercourse is conducted between the two countries.

Such exclusion could not, of course, be enforced against United States' vessels not engaged in fishing.

The Sub-Committee in stating this opinion are not unmindful of the fact, that the responsibility of determining what is the true interpretation of a Treaty or Convention made by Her Majesty must remain with Her Majesty's Government, but in view of the necessity of protecting to the fullest extent the inshore fisheries of the Dominion according to the strict terms of the Convention of 1818, and in view of the failure of the United States' Government to accede to any arrangements for the mutual use of the inshore fisheries, the Sub-Committee recommend that the claim which is reported to have been set up by the United States' Consul-General at Halifax be resisted.

The Committee concur in the foregoing Report and recommendation, and they respectfully submit the same for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council for Canada.

No. 38.

Sir L. West to the Earl of Rosebery.—(Received April 26.)

My Lord,

Washington, April 14, 1886.

I HAVE the honour to inclose to your Lordship herewith the report of the debate in the Senate* on the Resolution against the appointment of a Commission

* Inclosures not printed.

for the settlement of the Fisheries question as recommended by the President in his Message to Congress. The Resolution was adopted by a vote of 35 to 10.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 39.

Mr. Bramston to Sir P. Currie.—(Received April 30.)

Sir, *Downing Street, April 30, 1886.*
WITH reference to previous correspondence respecting the North American Fisheries question, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Rosebery, a copy of a further despatch, with its inclosures, from the Governor-General of Canada on the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 39.

The Marquis of Lansdowne to Earl Granville.

My Lord, *Government House, Ottawa, April 6, 1886.*

I HAVE the honour to inclose herewith a copy of an approved Report of a Committee of the Privy Council upon a despatch which I received on the 2nd instant from Her Majesty's Minister at Washington (and of which a copy is herewith inclosed), informing me that the United States' Consul-General at Halifax was reported to have argued that, under the Convention of 1818, it was open to American fishermen to land—cured and in a marketable condition—fish which had been caught outside the 3-mile limit at any Canadian port, and to tranship the same in bond to the United States by rail or vessel, and that any refusal to permit such transshipment would be a violation of the general bonding arrangement between the two countries. It does not appear from Sir Lionel West's despatch that this statement was made officially, or that it has been supported by the Government of the United States. As, however, the matter is one to which further reference may be made, it is desirable that the views of my Government in regard to it should be placed on record.

2. The Report of the Privy Council contains an explanation of the reasons for which it is believed that, under the terms of the Convention, American fishermen are absolutely excluded from admission to Canadian bays or harbours, except for the purposes of shelter and repairing damages therein, or of purchasing wood and obtaining water. The arrangements in force between the two countries for the transshipment of goods in bond—arrangements which depend in the main upon the Customs Laws of the two countries—cannot, therefore, be regarded as in any sense restricting the operation of the Convention. It should, moreover, be remembered that these bonding arrangements are the same as those which obtained between the two countries after the expiration of the Reciprocity Treaty of 1854, and I am not aware that between that date and the date of the Treaty of 1871 any claims such as those now made by the Consul-General at Halifax were preferred on the part of the United States' Government.

3. Your Lordship will, however, clearly understand that, although it is thought necessary to enforce strictly against American fishing-vessels a restriction which was framed with the express purpose of affording protection to the fisheries of the British Colonies, that restriction would not be applicable to vessels not themselves engaged in fishing, but visiting Canadian ports in the ordinary course of trade.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 39.

Sir L. West to the Marquis of Lansdowne, March 29, 1886.

[See Inclosure 1 in No. 37.]

Inclosure 3 in No. 39.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 6th April, 1886.

[See Inclosure 3 in No. 37.]

No. 40.

Sir L. West to the Earl of Rosebery.—(Received May 24.)

My Lord,

Washington, May 11, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, commenting on the action of the Dominion Government in seizing certain American fishing-vessels under the restrictive provisions of the Treaty of 1818, and inviting a frank expression of the views of Her Majesty's Government upon the subject, believing that, should any difference of opinion or disagreement as to facts exist, they will be found to be so minimized that an accord can, be established for the full protection of the inshore fishing of the British provinces, without obstructing the open sea-fishing operations of the citizens of the United States, or disturbing the Trade Regulations now subsisting between the countries.

I have communicated copy of this note to the Marquis of Lansdowne.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 40.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, May 10, 1886.

ON the 6th instant I received from the Consul-General of the United States at Halifax a statement of the seizure of an American schooner, the "Joseph Story," of Gloucester, Mass., by the authorities at Baddeck, Cape Breton, and her discharge, after a detention of twenty-fours.

On Saturday, the 8th instant, I received a telegram from the same official, announcing the seizure of the American schooner "David J. Adams," of Gloucester, Mass., in the Annapolis Basin, Nova Scotia, and that the vessel had been placed in the custody of an officer of the Canadian steamer "Lansdowne," and sent to St. John, New Brunswick, for trial.

As both of these seizures took place in closely land-locked harbours, no invasion of the territorial waters of British provinces with the view of fishing there could well be imagined. And yet the arrests appear to have been based upon the act or intent of fishing within waters as to which, under the provision of the Treaty of 1818 between Great Britain and the United States of America, the liberty of the inhabitants of the United States to fish has been renounced.

It would be superfluous for me to dwell upon the desire which, I am sure, controls those respectively charged with the administration of the Governments of Great Britain and of the United States to prevent occurrences tending to create exasperation and unneighbourly feeling or collision between the inhabitants of the two countries; but, animated with this sentiment, the time seems opportune for me to submit some views for your consideration, which I confidently hope will lead to such administration of the laws regulating the commercial interests and the mercantile marine of the two countries as may promote good feeling and mutual advantage, and prevent hostility to commerce under the guise of protection to inshore fisheries.

The Treaty of 1818 is between two nations, the United States of America and Great Britain, who, as the Contracting Parties, can alone apply authoritative interpretation thereto, or enforce its provisions by appropriate legislation.

The discussion prior to the conclusion of the Treaty of Washington in 1871 was productive of a substantial agreement between the two countries as to the existence and limit of the 3 marine miles within the line of which, upon the regions defined in the Treaty of 1818, it should not be lawful for American fishermen to take, dry, or cure fish. There is no hesitancy upon the part of the Government

of the United States to proclaim such inhibition and warn their citizens against the infraction of the Treaty in that regard, so that such inshore fishing cannot lawfully be enjoyed by an American vessel being within 3 marine miles of the land.

But since the date of the Treaty of 1818 a series of Laws and Regulations importantly affecting the trade between the North American provinces of Great Britain and the United States have been respectively adopted by the two countries, and have led to amicable and mutually beneficial relations between their respective inhabitants.

This independent and yet concurrent action by the two Governments has effected a gradual extension, from time to time, of the provisions of Article I of the Convention of the 3rd July, 1818, providing for reciprocal liberty of commerce between the United States and the territories of Great Britain in Europe, so as gradually to include the colonial possessions of Great Britain in North America and the West Indies within the results of that Treaty.

President Jackson's Proclamation of the 5th October, 1830, created a reciprocal commercial intercourse, on terms of perfect equality of flag, between this country and the British American dependencies, by repealing the Navigation Acts of the 18th April, 1818, 15th May, 1820, and 1st March, 1823, and admitting British vessels and their cargoes "to an entry in the ports of the United States, from the islands, provinces, and Colonies of Great Britain on or near the American continent, and north or east of the United States." These commercial privileges have since received a large extension in the interests of propinquity, and in some cases favours have been granted by the United States without equivalent concession. Of the latter class is the exemption granted by the Shipping Act of the 26th June, 1884, amounting to one-half of the regular tonnage dues on all vessels from the British North American and West Indian possessions entering ports of the United States; of the reciprocal class are the arrangements for transit of goods, and the remission by Proclamation, as to certain British ports and places, of the remainder of the tonnage tax, on evidence of equal treatment being shown to our vessels.

On the other side, British and colonial legislation, as notably in the case of the Imperial Shipping and Navigation Act of the 26th June, 1849, has contributed its share toward building up an intimate intercourse and beneficial traffic between the two countries, founded on mutual interest and convenience. These arrangements, so far as the United States are concerned, depend upon municipal statute and upon the discretionary powers of the Executive thereunder.

The seizure of the vessels I have mentioned, and certain published "warnings" purporting to have been issued by the Colonial authorities, would appear to have been made under a supposed delegation of jurisdiction by the Imperial Government of Great Britain, and to be intended to include authority to interpret and enforce the provisions of the Treaty of 1818, to which, as I have remarked, the United States and Great Britain are the Contracting Parties, who can alone deal responsibly with questions arising thereunder.

The effect of this colonial legislation and executive interpretation, if executed according to the letter, would be not only to expand the restrictions and renunciations of the Treaty of 1818, which related solely to inshore fishing within the 3-mile limit, so as to affect the deep-sea fisheries, the right to which remained unquestioned and unimpaired for the enjoyment of the citizens of the United States, but further to diminish and practically destroy the privileges expressly secured to American fishing-vessels to visit those inshore waters for the objects of shelter, repair of damages, and purchasing wood and obtaining water.

Since 1818 certain important changes have taken place in fishing in the regions in question, which have materially modified the conditions under which the business of inshore fishing is conducted, and which must have great weight in any present administration of the Treaty.

Drying and curing fish, for which a use of the adjacent shores was at one time requisite, is now no longer followed, and modern invention of processes of artificial freezing, and the employment of vessels of a larger size, permit the catch and direct transportation of fish to the markets of the United States without recourse to the shores contiguous to the fishing-grounds.

The mode of taking fish inshore has also been wholly changed, and from the highest authority on such subjects I learn that bait is no longer needed for such fishing, that purse-seines have been substituted for the other methods of taking mackerel, and that by their employment these fish are now readily caught in deeper waters entirely exterior to the 3-mile line.

As it is admitted that the deep-sea fishing was not under consideration in the negotiation of the Treaty of 1818, nor was affected by thereby, and as the use of bait for inshore fishing has passed wholly into disuse, the reasons which may have formerly existed for refusing to permit American fishermen to catch or procure bait within the line of a marine league from the shore, lest they should also use it in the same inhibited waters for the purpose of catching other fish, no longer exist.

For it will, I believe, be conceded as a fact that bait is no longer needed to catch herring or mackerel, which are the objects of inshore fishing, but is used, and only used, in deep-sea fishing, and, therefore, to prevent the purchase of bait or any other supply needed in deep-sea fishing, under colour of executing the provisions of the Treaty of 1818, would be to expand that Convention to objects wholly beyond its purview, scope, and intent, and give to it an effect never contemplated by either Party, and accompanied by results unjust and injurious to the citizens of the United States.

As, therefore, there is no longer any inducement for American fishermen to "dry and cure" fish on the interdicted coasts of the Canadian provinces, and as bait is no longer used or needed by them (for the prosecution of inshore fishing) in order to "take" fish in the inshore waters to which the Treaty of 1818 alone relates, I ask you to consider the results of excluding American vessels, duly possessed of permits from their own Government to touch and trade at Canadian ports as well as to engage in deep-sea fishing, from exercising freely the same customary and reasonable rights and privileges of trade in the ports of the British Colonies as are freely allowed to British vessels in all the ports of the United States under the Laws and Regulations to which I have adverted. Among these customary rights and privileges may be enumerated the purchase of ship-supplies of every nature, making repairs, the shipment of crews in whole or part, and the purchase of ice and bait for use in deep-sea fishing.

Concurrently, these usual rational and convenient privileges are freely extended to, and are fully enjoyed by, the Canadian merchant marine of all occupations, including fishermen, in the ports of the United States.

The question, therefore, arises whether such a construction is admissible as would convert the Treaty of 1818 from being an instrumentality for the protection of the inshore fisheries along the described parts of the British American coast into a pretext or means of obstructing the business of deep-sea fishing by citizens of the United States, and of interrupting and destroying the commercial intercourse that, since the Treaty of 1818, and independent of any Treaty whatever, has grown up, and now exists, under the concurrent and friendly Laws and mercantile Regulations of the respective countries.

I may recall to your attention the fact that a proposition to exclude the vessels of the United States engaged in fishing from carrying also merchandize was made by the British negotiators of the Treaty of 1818, but, being resisted by the American negotiators, was abandoned. This fact would seem clearly to indicate that the business of fishing did not then and does not now disqualify a vessel from also trading in the regular ports of entry.

I have been led to offer these considerations by the recent seizures of American vessels to which I have adverted, and by indications of a local spirit of interpretation in the provinces, affecting friendly intercourse, which is, I firmly believe, not warranted by the terms of the stipulations on which it professes to rest. It is not my purpose to prejudge the facts of the cases, nor have I any desire to shield any American vessel from the consequences of violation of international obligation. The views I advanced may prove not to be applicable in every feature to these particular cases, and I should be glad if no case whatever were to arise calling in question the good understanding of the two countries in this regard, in order to be free from the grave apprehensions which otherwise I am unable to dismiss.

It would be most unfortunate, and, I cannot refrain from saying, most unworthy, if the two nations who contracted the Treaty of 1818 should permit any questions of mutual right and duty under that Convention to become obscured by partizan advocacy or distorted by the heat of local interests. It cannot but be the common aim to conduct all discussion in this regard with dignity and in a self-respecting spirit, that will show itself intent upon securing equal justice rather than unequal advantage.

Comity, courtesy, and justice cannot, I am sure, fail to be the ruling motives and objects of discussion.

I shall be most happy to come to a distinct and friendly understanding with

you as the Representative of Her Britannic Majesty's Government, which will result in such a definition of the rights of American fishing-vessels under the Treaty of 1818 as shall effectually prevent any encroachments by them upon the territorial waters of the British provinces for the purpose of fishing within those waters, or trespassing in any way upon the littoral or marine rights of the inhabitants, and, at the same time, prevent that Convention from being improperly expanded into an instrument of discord by affecting interests and accomplishing results wholly outside of and contrary to its object and intent, by allowing it to become an agency to interfere with and perhaps destroy those reciprocal commercial privileges and facilities between neighbouring communities which contribute so importantly to their peace and happiness.

It is obviously essential that the administration of the Laws regulating the Canadian inshore fishing should not be conducted in a punitive and hostile spirit, which can only tend to induce acts of a retaliatory nature.

Everything will be done by the United States to cause their citizens engaged in fishing to conform to the obligations of the Treaty, and prevent an infraction of the Fishing Laws of the British provinces; but it is equally necessary that ordinary commercial intercourse should not be interrupted by harsh measures and unfriendly administration.

I have the honour, therefore, to invite a frank expression of your views upon the subject, believing that should any differences of opinion or disagreement as to facts exist, they will be found to be so minimized that an accord can be established for the full protection of the inshore fishing of the British provinces, without obstructing the open-sea fishing operations of the citizens of the United States, or disturbing the Trade Regulations now subsisting between the countries.

I have, &c.
(Signed) T. F. BAYARD.

No. 41.

Sir L. West to the Earl of Rosebery.—(Received May 24.)

My Lord,

Washington, May 11, 1886.

I HAVE the honour to report to your Lordship that the seizure of an American fishing-vessel by the Canadian authorities for purchasing bait in Canadian waters has called forth Resolutions in the House of Representatives, a Bill in the Senate, and a Bill in the House, copies of which are herewith inclosed.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 41.

Extracts from the "Congressional Record."

The "David J. Adams."

Mr. Dawes submitted the following Resolution, which was considered by unanimous consent, and agreed to :—

"Resolved,—That the President be requested to communicate to the Senate, if in his opinion not incompatible with the public interest, any information in the possession of the Government concerning the alleged seizure of the United States' fishing-vessel 'David J. Adams,' while engaged in lawful commerce in one of the ports in the Dominion of Canada, and what measures, if any, have been taken to protect fishing-vessels of the United States while engaged in lawful commerce in the ports of the Dominion of Canada."

Mr. Dawes submitted the following Resolution, which was considered by unanimous consent, and agreed to :—

"Resolved,—That the Committee on Foreign Relations be instructed to inquire whether the United States' fishing-vessel 'David J. Adams' has been seized while engaged in lawful commerce in a port of the Dominion of Canada, and what measures,

if any, are necessary to protect the persons and property of American citizens while engaged in lawful commerce in the ports of the Dominion of Canada; and to report by Bill or otherwise."

Seizure of the Vessel "David J. Adams."

Mr. Stone, of Massachusetts, offered the following Resolution, which was read, and referred to the Committee on Foreign Affairs:—

"Whereas it is reported that an American fishing-vessel, namely, the 'David J. Adams,' of Gloucester, Massachusetts, has recently been seized in Digby, Nova Scotia, for the alleged purchase of bait, by the British flag-ship 'Lansdowne,' in apparent violation of the commercial rights conceded to American vessels by the British Government:

"*Ordered*,—That the Committee on Foreign Affairs be instructed to inquire into the facts of the case, with authority to recommend such legislation as may be due to a proper sense of national dignity and to a just regard for the rights and interests of the national commerce."

Seizure of the "David J. Adams."

Mr. Breckinridge, of Arkansas, offered the following Resolution, which was read, and referred to the Committee on Foreign Affairs:—

"Whereas it is reported in the public prints that on the 7th May, at Digby, in the Dominion of Canada, the schooner 'David J. Adams,' owned by American citizens, was forcibly seized by the steamer 'Lansdowne,' under order of the Government of said Dominion, and is now held for further proceedings: Therefore,

"*Be it resolved*,—That the President of the United States be requested to inform this House, if not deemed by him incompatible with the good of the public service, what steps have been taken by him to have said seizure investigated, and to communicate to this House at the earliest practicable day what were the circumstances and the pretence under which said seizure was made."

Inclosure 2 in No. 41.

49th Congress, 1st Session.—H. Res. 168.

IN THE HOUSE OF REPRESENTATIVES.

May 10, 1886.—Read twice, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. Rice introduced the following Joint Resolution:—

Joint Resolution for the Protection of American Fishermen.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the recent seizure of the United States' fishing-schooner "Adams" by the Canadian Government, on the charge of purchasing fishing-bait in a Nova Scotia port, was a violation of the reciprocal commercial rights of citizens of the United States and of Great Britain, growing out of the principles of international comity recognized by the legislation of both countries, and demands of this Government prompt and efficient measures to obtain reparation to its citizens for this unlawful act, and to protect them against its repetition.

Inclosure 3 in No. 41.

49th Congress, 1st Session.—S. 2392.

IN THE SENATE OF THE UNITED STATES.

May 10, 1886.

Mr. Frye introduced the following Bill, which was read twice and referred to the Committee on Commerce :—

A Bill to Limit the Commercial Privileges of Vessels of Foreign Countries in the Ports of the United States to such Purposes as are accorded to American Vessels in the Ports of such Foreign Countries.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbours, ports, or waters of such foreign country, it shall be the duty of the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, to issue his Proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign countries, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending the concessions previously granted to the vessels of such country ; and on and after the date named in such Proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said Proclamation from the exercise of any commercial privileges shall do any act prohibited by said Proclamation in the ports, harbours, or waters of the United States, for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this act, or aiding and abetting any other person in such opposition, shall forfeit 800 dollars, and shall be guilty of a misdemeanour, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

Inclosure 4 in No. 41.

49th Congress, 1st Session.—H. R. 8630.

IN THE HOUSE OF REPRESENTATIVES.

May 10, 1886.—Read twice, referred to the Select Committee on American Ship-Building and Ship-Ownning Interests, and ordered to be printed.

Mr. Dingley introduced the following Bill :—

A Bill to limit the Commercial Privileges of Vessels of Foreign Countries in the Ports of the United States to such Purposes as are accorded to American Vessels in the Ports of such Foreign Countries.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbours, ports, or waters of such foreign country, it shall be the duty of the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, to issue his Proclamation excluding, on and after such time as he may indicate, all vessels of such foreign country of a similar character to the vessels of

the United States thus discriminated against from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, and suspending the concessions previously granted to the vessels of such foreign country to the extent herein provided; and on and after the date named in such Proclamation for it to take effect, if the master, or officer, or agent of any vessel of such foreign country excluded by said Proclamation from the exercise of any commercial privileges shall do any act prohibited by said Proclamation, in the ports, harbours, or waters of the United States, for and on account of said vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and every person opposing any officer of the United States in the enforcement of this Act, or aiding or abetting any other person in any opposition, shall forfeit 800 dollars, and shall be guilty of a misdemeanour, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

No. 42.

Sir L. West to the Earl of Rosebery.—(Received May 24.)

My Lord,

Washington, May 11, 1886.

WITH reference to my preceding despatch, I have the honour to inclose copy of a private letter, together with copy of the inclosure which accompanied it, which I have received from Mr. Bayard, and in consequence of which I telegraphed to the Marquis of Lansdowne in the following words:—

“Secretary of State deprecates conduct of Captain Scott in refusing to give reasons for seizure of ‘Adams.’”

I inclose to your Lordship copy of my reply to Mr. Bayard’s communication.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 42.

Mr. Bayard to Sir L. West.

My dear Sir Lionel,

Washington, May 11, 1886.

I INCLOSE a copy of a telegram just received from the United States’ Consul-General at Halifax, who, in accordance with my instructions, is giving careful attention to the case of the American schooner “David J. Adams,” seized by the Canadian steamer “Lansdowne” in Digby Basin some days ago.

The reported conduct of Captain Scott, of the “Lansdowne,” in declining to give any reason for his seizure of the “Adams,” is much to be deprecated, and it is due to the cause of law and order, which I am sure we both desire to serve, that no act of even doubtful authority should be exercised by the Provincial Authorities, and that, in the execution of undoubted powers, a calm and moderate vindication of the law should characterize all proceedings of an adversary character against Americans and their property. A harsh, uncivil administration of law adds nothing to its just force, but only furnishes cause for retaliatory action, and creates new difficulties in the settlement of international questions.

Indiscreet action on the part of the Canadian authorities should certainly be prevented in the interest of amicable relations.

Yours, &c.

(Signed) T. S. BAYARD.

Inclosure 2 in No. 42.

Mr. Phelan to Mr. Bayard.

(Telegraphic.)

Digby, United States, May 11, 1886.

“DAVID J. ADAMS” delivered to Collector yesterday. This morning Captain Scott took possession of her again. I addressed him a note, asking why he detained the vessel. He replied by referring me to Ottawa. I will take the deposition of the captain and crew of the “Adams” as soon as they arrive.

Inclosure 3 in No. 42.

Sir L. West to Mr. Bayard.

Dear Mr. Bayard,

Washington, May 12, 1886.

I IMMEDIATELY telegraphed the substance of the telegram, copy of which was inclosed in your private letter of yesterday, respecting the seizure of the "Adams," to Lord Lansdowne, and wrote to him the same evening.

You may rest assured that whatever it is in my power to do to bring about a satisfactory understanding on the question at issue, as well as on all others that may arise in connection therewith, will be done, and that it is my earnest desire to carry out the instructions which I shall doubtless receive from my Government in this sense.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 43.

Sir L. West to the Earl of Rosebery.—(Received May 24.)

My Lord,

Washington, May 12, 1886.

I HAVE the honour to inclose to your Lordship herewith a Memorandum embodying the views expressed in letters addressed to the press by Representatives and others of the position of the United States' Government with regard to the Treaty of 1818.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 43.

Memorandum respecting the Contention of the American Fishing Interest.

THE United States' Government has always claimed that the proper construction of the Treaty of 1818 made the 3-mile limit follow the coast-line, and did not allow the line to be drawn from headland to headland, and thus exclude American fishermen from waters of arms of the ocean more than 3 miles from land. But this is not the question at issue. It is commercial rights which are now in dispute, and it is contended that under existing commercial relations between the two countries (Great Britain and the United States), United States' fishing-vessels have the same right to enter Canadian ports and purchase bait to be used in the open sea-fishing as Canadian vessels to enter United States' ports for the same purpose.

It is important that the commercial rights of American fishing-vessels in Canadian ports should be settled, that is to say, whether they are to be determined by the restrictive principles of maritime intercourse which prevailed in 1818, or by the principles of maritime reciprocity inaugurated by the United States in 1824, and finally accepted by Great Britain in 1850.

No. 44.

Sir L. West to the Earl of Rosebery.—(Received May 24.)

My Lord,

Washington, May 13, 1886.

WITH reference to my despatch of the 11th instant, I have the honour to inclose to your Lordship herewith copy of a private note which I have received from the Secretary of State in reply to mine of the 12th, together with copy of a further telegram from the United States' Consul-General at Halifax, the substance of which I also communicated to the Marquis of Lansdowne, who has replied in the following terms:—" 'Adams' will be proceeded against for violation of Customs Act of 1883, of Dominion Fishery Act of 1868, and of Convention of 1818. Captain Scott has been

instructed to state reasons of seizure [in?] all cases," and the substance of which I have communicated to Mr. Bayard.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 44.

Mr. Bayard to Sir L. West.

Dear Sir Lionel,

Washington, May 12, 1886.

THE tenour of your note of to-day is quite in accord with my expectations, and I cannot doubt that you will secure more circumspect and amicable action upon the part of the Canadian officials in relation to interference with American vessels not infracting Treaty stipulations against inshore fishing.

I inclose a copy of a telegram just received from the United States' Consul-General at Halifax, which I think you ought to see, because it indicates very loose methods in dealing with matters of grave importance.

Yours, &c.
(Signed) T. F. BAYARD.

Inclosure 2 in No. 44.

Mr. Phelan to Mr. Bayard.

(Telegraphic.)

Digby, United States, May 11, 1886.

THE charge against the "Adams" for violating the Customs was so trifling, that it seems they have abandoned it, and gone back to the charge of violating the fishery laws. The officers don't seem to know what to do. The "Adams" is here. The "Lansdowne" is here yet. Captain Scott refuses to state why the "Adams" was seized, or why she is held. This information is necessary to an intelligent defence, and I cannot understand why it is refused.

No. 45.

*The Earl of Rosebery to Sir L. West.**

Sir,

Foreign Office, May 24, 1886.

THE American Minister called on me to-day, and said that he had received a telegram from Mr. Bayard late on Saturday night instructing him to ask me if the seizure of American fishing-vessels in Canadian waters could not be discontinued, and the vessels already captured restored, of course, without prejudice, and on an undertaking to surrender them if required.

Mr. Phelps went on to argue the construction of the Treaty of 1818, and said that though, at a first glance, its provisions might seem to justify the Canadian authorities in the course which they had taken, a general view of its whole scope contradicted that assumption, which, in any case, was inconsistent with the cordial relations existing between the two countries. In reply, I reminded Mr. Phelps that that Treaty was concluded at a time when, after a war and a period of great bitterness, the relations between Great Britain and the United States were not so cordial as they are now.

As regarded the construction of the Treaty, I could not presume to argue with so eminent a lawyer as himself. I could not, however, refrain from expressing the opinion that the plain English of the clause seemed to me entirely to support the Canadian view. Nor was it the fault of the Canadians that they had been compelled to resort to the enforcement of the Treaty. I admitted, indeed, that the responsibility did not lie on the American Government. But the Senate had refused to sanction any negotiation on the matter, and had therefore thrown back the Canadians on the provisions of the Treaty of 1818. As regarded the seizure of the vessels which Mr. Phelps had described as having transgressed unwittingly, I could only say but

* Copy to Colonial Office, May 28.

little, as I had received no intelligence beyond what was stated in the newspapers. If, however, they had erred unwittingly, it was not our fault, for we had issued a formal warning to American fishermen that they would not be permitted, under the Treaty of 1818, to do certain things, and we had requested Mr. Bayard to issue a similar notice. He, however, had declined to do so. I could not, therefore, think that the American vessels had erred unwittingly, more especially as, if I was rightly informed by the newspapers, there were suspicious and furtive circumstances connected with the case of the "David Adams," at any rate, which tended to prove that the captain was aware that he was acting illegally.

As to the substantial proposition of Mr. Bayard, I begged Mr. Phelps to return the following answer: No one, as he was aware, could be more anxious than I was to maintain the most cordial relations between the two countries. He well knew that I would go more than half-way to meet Mr. Bayard in this matter, but it would be difficult to ask the Canadians to suspend their legal action if we had nothing to offer them in the way of a *quid pro quo*. What I would suggest would be this, that he should telegraph at once to Washington to tell Mr. Bayard that I would do my best to induce the Colonial authorities to suspend their action if some assurance could be given me of an immediate readiness to negotiate on the question. Mr. Phelps promised to do this.

I am, &c.
(Signed) ROSEBERY.

No. 46.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, May 26, 1886.

I AM directed by the Earl of Rosebery to transmit to you a copy of a despatch from Her Majesty's Minister at Washington, inclosing a copy of a note from Mr. Bayard, which contains representations respecting the seizure of United States' fishing-vessels by Canadian authorities.*

His Lordship would propose, with Lord Granville's concurrence, to defer making a reply to this communication until the views of the Canadian Government thereon have been received; and as it appears from Sir L. West's despatch that a copy has already been forwarded from Washington to the Governor-General, I am to suggest that his Excellency should be requested, by telegram, to send home, with the least possible delay, any observations which the Dominion Government wish to make on the subject.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 47.

Mr. Bayard to Mr. Phelps.—(Communicated to the Earl of Rosebery by Mr. Phelps, May 29.)

(Telegraphic.)

May 27, 1886.

YOU will say to Lord Rosebery that every disposition exists on our part to arrive at an amicable and just solution of Canadian fishery and trade question as the President has already manifested. Main point now is to have Treaty of 1818 so interpreted as not to destroy commercial intercourse, including purchase of bait for use in deep-sea fishing. This was done by Great Britain in 1871, and its abandonment now would be inadmissible† and adhered to now would relieve hardship and exasperation caused by summary arrest of vessels. Present action of Canadian authorities is calculated to obstruct settlement.

* No. 40.

† This word is doubtful as to correct reading of cypher.

The Earl of Rosebery to Sir L. West.

Sir,

Foreign Office, May 29, 1886.

THE American Minister called on me to-day and read me a telegram from Mr. Bayard, of which I inclose a copy.*

He again discussed at some length the provisions of the Treaty of 1818, and said that the newspapers which had reached him from America treated the matter as of little moment, because the British Government were sure not to support the action of the Canadian Administration. He also alluded to a correspondence with Lord Kimberley in 1871, in which Lord Kimberley stated that the Imperial Government was the sole interpreter of the British view of Imperial Treaties, and that they were not able to support the Canadian view of the Bait Clause. Mr. Phelps finally urged that the action of the Canadian Government should be suspended, which would then conduce to a friendly state of matters, which might enable negotiations to be resumed.

I replied to Mr. Phelps that, as regards the strict interpretation of the Treaty of 1818, I was in the unfortunate position that there were not two opinions in this country on the matter, and that the Canadian view was held by all authorities to be legally correct. If we are now under the provisions of the Treaty of 1818 it was by the action, not of Her Majesty's Government, or of the Canadian Government, but by the wish of the United States. I had offered to endeavour to procure the prolongation of the temporary arrangement of last year, in order to allow an opportunity for negotiating, and that had been refused. A Joint Commission had been refused, and, in fact, any arrangement, either temporary or permanent, had been rejected by the United States; it was not a matter of option but a matter of course that we returned to the existing Treaty. As to Lord Kimberley's view, I had had no explanation from him on that point, and, of course, I entirely concurred with his opinion that the British Government were the interpreters of the British view of Imperial Treaties. As regarded the wish expressed by Mr. Phelps that the present action should be suspended, when possibly an opportunity might arrive for negotiation, I said that that amounted to an absolute concession of the Canadian position with no return whatever, and I feared that the refusal of the United States to negotiate, for so I could not help interpreting Mr. Bayard's silence in answer to my proposition, would produce a bad effect, and certainly would not assist the Imperial Government in their efforts to deal with this question. In the meantime, however, I begged him simply to assure Mr. Bayard that I had received his communication, and that we were still awaiting the Canadian Case and the details of the other seizures; that when we had received these, for which we had telegraphed, I hoped to be in a better position for giving an answer. Mr. Phelps also touched on the seizures of these ships, and I said that the legality of that would be decided in a Court of Law, and Mr. Phelps objected that it would be a Dominion Court of Law and not an Imperial Court. I replied that an appeal would lie to the Courts in this country, and Mr. Phelps pointed out that that procedure would be expensive; but I reminded him again that it was not our fault that we had been thrown on the provisions of the Treaty of 1818.

I am, &c.

(Signed) ROSEBERY.

Sir L. West to the Earl of Rosebery.—(Received May 31.)

My Lord,

Washington, May 21, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a further note which I have received from the Secretary of State, which, after commenting upon the action of the Canadian authorities in the seizure of the American schooner "David J. Adams," concludes by requesting that orders may be issued under the authority of Her Majesty's Government that no vessel be seized unless the offence of fishing within the 3-mile limit is proved in conformity with the instructions issued by the British Government in 1870.

Your Lordship will understand that I am unable, in the absence of instructions, to reply to either of the notes of the Secretary of State. I have communicated copy of the above-mentioned note to the Marquis of Lansdowne.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 49.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, May 20, 1886.

ALTHOUGH without reply to the note I had the honour to address to you on the 10th instant in relation to the Canadian fisheries, and the interpretation of the Treaty of 1818, between the United States and Great Britain, as to the rights and duties of the American citizens engaged in maritime trade and intercourse with the provinces of British North America, in view of the unrestrained and, as it appears to me, unwarranted, irregular, and severe action of Canadian officials towards American vessels in those waters, yet I feel it to be my duty to bring impressively to your attention information more recently received by me from the United States' Consul-General at Halifax, Nova Scotia, in relation to the seizure and continued detention of the American schooner "David J. Adams," already referred to in my previous note, and the apparent disposition of the local officials to use the most extreme and technical reasons for interference with vessels not engaged in, or intended for, inshore fishing on that coast.

The Report received by me yesterday evening alleges such action in relation to the vessel mentioned as renders it difficult to imagine it to be that orderly proceeding and "due process of law" so well known and customarily exercised in Great Britain and the United States, and which dignifies the two Governments, and gives to private rights of property and the liberty of the individual their essential safeguards.

By the information thus derived it would appear that after four several and distinct visitations by boats' crews from the "Lansdowne" in Annapolis Basin, Nova Scotia, the "David J. Adams" was summarily taken into custody by the Canadian steamer "Lansdowne," and carried out of the Province of Nova Scotia across the Bay of Fundy and into the port of St. John, New Brunswick, and without explanation or hearing, on the following Monday, the 10th May, taken back again by an armed crew to Digby, in Nova Scotia. That in Digby the paper alleged to be the legal precept for the capture and detention of the vessel was nailed to her mast in such manner as to prevent its contents being read, and the request of the captain of the "David J. Adams" and of the United States' Consul-General to be allowed to detach the writ from the mast for the purpose of learning its contents was positively refused by the Provincial official in charge; nor was the United States' Consul-General able to learn from the Commander of the "Lansdowne" the nature of the complaint against the vessel, and his respectful application to that effect was fruitless.

In so extraordinarily confused and irresponsible condition of affairs, it is not possible to ascertain with that accuracy which is needful in matters of such grave importance the precise grounds for this harsh and peremptory arrest and detention of a vessel the property of citizens of a nation with whom relations of peace and amity were supposed to exist.

From the best information, however, which the United States' Consul-General was enabled to obtain after application to the prosecuting officials, he reports that the "David J. Adams" was seized and is now held—

1. For alleged violation of the Treaty of 1818;
2. For alleged violation of the Act 59 Geo. III;
3. For alleged violation of the Colonial Act of Nova Scotia of 1868; and
4. For alleged violation of the Act of 1870 and also of 1883, both Canadian Statutes.

Of these allegations, there is but one which at present I press upon your immediate consideration, and that is the alleged infraction of the Treaty of 1818.

I beg to recall to your attention the correspondence and action of those respectively charged with the administration and government of Great Britain and the United States in the year 1870, when the same international questions were under

consideration and the status of law was not essentially different from what it is at present.

The correspondence discloses the intention of the Canadian authorities of that day to prevent encroachment upon their inshore fishing-grounds, and their preparations in the way of a marine police force, very much as we now witness. The Statutes of Great Britain and of her Canadian provinces, which are now supposed to be invoked as authority for the action against the schooner "David J. Adams," were then reported as the basis of their proceedings.

In his note of the 26th May, 1870, Mr., afterwards Sir Edward, Thornton, the British Minister at this capital, conveyed to Mr. Fish, the Secretary of State, copies of the orders of the Royal Admiralty to Vice-Admiral Wellesley, in command of the naval forces "employed in maintaining order at the fisheries in the neighbourhood of the coasts of Canada."

All of these orders directed the protection of Canadian fishermen and cordial co-operation and concert with the United States' force sent on the same service with respect to American fishermen in those waters. Great caution in the arrest of American vessels charged with violation of the Canadian Fishing Laws was scrupulously enjoined by the British authorities, and extreme importance of the commanding officers of ships selected to protect the fisheries exercising the utmost discretion in paying especial attention to Lord Granville's observation that no vessel should be seized unless it were evident, and could be clearly proved, that the offence of fishing had been committed, and the vessel captured, within 3 miles of land.

This caution was still more explicitly announced when Mr. Thornton, on the 11th June, 1870, wrote to Mr. Fish;—

"You are, however, quite right in not doubting that Admiral Wellesley, on receipt of the later instructions addressed to him on the 5th ultimo, will have modified the directions to the officers under his command so that they may be in conformity with the views of the Admiralty.

"In confirmation of this I have since received a letter from Vice-Admiral Wellesley, dated the 30th ultimo, informing me that he had received instructions to the effect that officers of Her Majesty's ships employed in the protection of the fisheries should not seize any vessel unless it were evident, and could be clearly proved, that the offence of fishing had been committed, and the vessel itself captured, within 3 miles of land."

This understanding between the two Governments wisely and efficiently guarded against the manifest danger of intrusting the execution of powers so important, and involving so high and delicate a discretion, to any but wise and responsible officials, whose prudence and care should be commensurate with the magnitude and national importance of the interest involved, and I should fail in my duty if I do not endeavour to impress you with my sense of the absolute and instant necessity that now exists for a restriction of the seizure of American vessels charged with violations of the Treaty of 1818 to the conditions announced by Sir Edward Thornton to his Government in June 1870.

The charges of violating the local Laws and Commercial Regulations of the ports of the British provinces (to which I am desirous that due and full observance should be paid by citizens of the United States) I do not consider in this note; and I will only take this occasion to ask you to give me full information of the official action of the Canadian authorities in this regard, and what Laws and Regulations, having the force of law, in relation to the protection of their inshore fisheries and preventing encroachments thereon, are now held by them to be in force. But I trust that you will join with me in realizing the urgent and essential importance of restricting all arrests of American fishing-vessels for supposed or alleged violations of the Convention of 1818 within the limitations and conditions laid down by the authorities of Great Britain in 1870, to wit: that no vessel shall be seized unless it is evident, and can be clearly proved, that the offence of fishing has been committed, and the vessel itself captured, within 3 miles of land.

In regard to the necessity for the instant imposition of such restrictions upon the arrest of vessels, you will, I believe, agree with me, and I will therefore ask you to procure such steps to be taken as shall cause such orders to be forthwith put in force under the authority of Her Majesty's Government.

I have, &c.
(Signed) T. F. BAYARD.

50

No. 50.

Sir L. West to the Earl of Rosebery.—(Received May 31.)

My Lord,

Washington, May 21, 1886.

WITH reference to my preceding despatch, I have the honour to inclose to your Lordship herewith copy of a private note which I have received from Mr. Bayard, which I have referred to the Marquis of Lansdowne.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 50.

Mr. Bayard to Sir L. West.

My dear Mr. West,

Washington, May 20, 1886.

SINCE writing you my last note of to-day's date my attention has been called to a statement that the American schooner "Jennie and Julia," of Eastport, Maine, having cleared from that port for Digby, Nova Scotia, made due entry at the latter port, and upon attempting to purchase a lot of herring for smoking, was warned that the vessel would be seized if herring were purchased for any purpose whatever, whereupon the vessel left without taking in cargo.

If, as it is to be inferred from the fact of the regular clearance and entry, the "Jennie and Julia" was documented for a trading voyage, the reported action of the Digby Collector should be looked into very sharply.

It would certainly not help an amicable adjustment of the present difficulties if the Provincial authorities were to initiate a policy of commercial non-intercourse, by refusing to permit exportation of fish in American bottoms.

The report is attracting much attention, and I have telegraphed to our Consular Agent at Digby for a statement of the facts.

I should be glad to receive from you any information you may have in relation to the Collector's action.

Very, &c.
(Signed) T. F. BAYARD.

No. 51.

Sir L. West to the Earl of Rosebery.—(Received May 31.)

My Lord,

Washington, May 21, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a despatch which I have received from the Marquis of Lansdowne in connection with the note of the Secretary of State of the 10th instant. I have taken occasion to communicate this despatch to Mr. Bayard, who expressed great satisfaction at its contents.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 51.

The Marquis of Lansdowne to Sir L. West.

Sir,

Government House, Ottawa, May 17, 1886.

I HAD the honour of receiving your letter of the 12th instant, inclosing a copy of Mr. Bayard's note of the 10th upon the questions raised by the recent detention of the United States' schooner "David J. Adams" at Digby, Nova Scotia, for alleged violation of the Customs and Fishing Laws.

You have, I understand, been good enough to supply me with a copy of that letter in order that the Dominion Government may, without loss of time, be placed in possession of the views of that of the United States in regard to these questions, and not with the object of eliciting from me at present any comments upon the arguments advanced by Mr. Bayard.

I am, however, glad to take the earliest opportunity of expressing the pleasure with which the Government of the Dominion has observed the temper in which Mr. Bayard has discussed the matter referred to, and its entire concurrence with him in desiring to import into that discussion nothing that could affect the friendly relations of the two countries.

I have, &c.
(Signed) LANSDOWNE.

No. 52.

Mr. Phelps to the Earl of Rosebery.—(Received June 1.)

My Lord,

Legation of the United States, London, June 1, 1886.

I HAVE the honour to inclose, for your perusal, a copy of the translation of a cypher telegram which I have just received from the Secretary of State of the United States, and respectfully to ask your early attention to the subject it refers to.

I shall have the honour to submit to your Lordship in writing, in behalf of my Government, within two or three days, some observations on the questions involved.

I have, &c.
(Signed) E. J. PHELPS.

Inclosure in No. 52.

Mr. Bayard to Mr. Phelps.

(Telegraphic.)

May 30, 1886.

CALL attention of Lord Rosebery immediately to Bill No. 136 now pending in the Parliament of Canada, assuming to execute Treaty of 1818; also Circular No. 371, by Johnson, Commissioner of Customs, ordering seizure of vessels for violation of Treaty.* Both are arbitrary and unwarranted assumptions of power against which you are instructed earnestly to protest, and state that the United States will hold Government of Great Britain responsible for all losses which may be sustained by American citizens in the dispossession of their property growing out of the search, seizure, detention, or sale of their vessels lawfully within territorial waters of British North America.

No. 53.

The Earl of Rosebery to Sir L. West.†

Sir,

Foreign Office, June 1, 1886.

I HAVE received your despatch of the 11th ultimo on the subject of the North American fisheries, and I have to acquaint you, in reply, that Her Majesty's Government have no objection to a friendly interchange of personal views between yourself and Mr. Bayard upon this question, on the understanding that any communications which may so take place are without prejudice and *ad referendum*. Her Majesty's Government, not having yet received the full statement of the views of the Canadian Government in the matter, are not at present in a position to furnish you with definite instructions.

I have to add that on the 24th ultimo I made a proposal of negotiations to the United States' Minister at this Court, to which, however, I have not yet received any reply.

I am, &c.
(Signed) ROSEBERY.

* For text of Bill, see p. 157. For text of Circular as eventually amended, see p. 88.

† Copy to Colonial Office, June 2.

The Earl of Rosebery to Sir L. West.

Sir,

Foreign Office, June 2, 1886.

THE American Minister informed me to-day, in the course of conversation, that he was at this moment preparing a Statement of the American contention with regard to the recent seizures under the terms of the Convention of 1818. He entered into a long argument to show that seizure was not provided for by law as a penalty for the infraction of this clause; that what was provided for was a punishment for American vessels fishing within the forbidden limits. He said that his Government could not admit the interpretation which apparently was accepted by the Canadian Government, and he mentioned the fact that in any case the American fishermen had no notice of the action that was going to be taken. As to the latter point, I replied that that was not the fault of Her Majesty's Government. On the 18th March I had telegraphed to you to ask you to request the Secretary of State to issue a Notice such as we were about to issue to Canadian fishermen, and he had declined to do so. Mr. Phelps was not aware of this. I went on to say that the view of the American Government appeared to be this: "You are to accept our interpretation of the Treaty, whether it be yours or not, and in any case we will not negotiate with you." I said that that was not a tenable proposition. Mr. Phelps said that it was quite true that his Government, owing to circumstances of which I was aware, had not been able to negotiate, but, as regarded the Treaty, he felt sure that he would be able to convince me that the American interpretation was correct. I said that, as regards the circumstances to which he had alluded, we had only to look to the United States' Government, and could not look beyond it. He would remember that at almost our first interview on my accession to office I had proposed to him to endeavour to procure the continuation of the recent arrangement for a year, although that arrangement was disadvantageous to Canada in that it gave the United States all it wanted, and gave Canada nothing in return. We had also pressed on the United States' Government the issue of a Joint Commission to investigate the matter, and that had also been refused. Further, on the 24th May, I made a proposal, personally indeed, but with all the weight which my official character could give, that Canadian action should be suspended, and negotiations should commence, and to this I had received no reply. In these circumstances, I could not feel that Her Majesty's Government had been wanting in methods of conciliation, and I begged him to send me his Statement of his case as quickly as possible, for in the meantime there was such unanimity among our Legal Advisers as to the interpretation of the Treaty of 1818 that I had nothing to submit to them. As regards the cases themselves, I had as yet no details, nor was I in possession of the Bill or of the Circular to which Mr. Bayard's recent telegram referred.

I am, &c.

(Signed) ROSEBERY.

Mr. Bramston to Sir J. Pauncefote.—(Received June 2.)

(Extract.)

Downing Street, June 2, 1886.

WITH reference to previous correspondence respecting the North American Fisheries question, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch from the Governor-General of Canada, forwarding a copy of a Bill recently introduced into the Dominion House of Commons for the purpose of amending the Act 31 Vict., cap. 61, respecting fishing by foreign vessels in the territorial waters of the Dominion.

Inclosure in No. 55.

The Marquis of Lansdowne to Earl Granville.

My Lord,

Government House, Ottawa, May 19, 1886.

I HAVE the honour to inclose herewith a copy of a Bill* recently introduced in the Dominion House of Commons by my Minister of Marine and Fisheries, for the

For text of Bill, see p. 157.

purpose of amending the Act 31 Vict., cap 61, respecting fishing by foreign vessels in the territorial waters of the Dominion.

That Act was, as your Lordship is aware, framed with the object of giving effect to the Convention of 1818, by rendering liable to certain penalties all foreign fishing-vessels entering the territorial waters of the Dominion for any purpose not authorized by that Convention. It is provided under the 3rd section of the Act referred to that the penalty of forfeiture shall attach to any foreign vessel which "has been found fishing or preparing to fish, or to have been fishing" without a licence within the 3-mile limit. These words, which follow closely those of section 2 of the Imperial Act of 1819* (59 Geo. 111, cap. 38), appear to my Government to be insufficient for the purpose of giving effect to the intentions of the framers of the Convention of 1818, inasmuch as, while the penalty of forfeiture is attached to foreign vessels found fishing or preparing to fish, or having been fishing within the 3-mile limit, it is not clear that under them the same penalty would attach to vessels entering the territorial waters in contravention of the stipulations of the Convention, for a purpose other than those of sheltering, repairing damages, purchasing wood, and obtaining water, for which purposes alone, under the terms of Article I of the Convention, and of section 3 of the Imperial Act of 1819 above referred to, foreign fishing-vessels are permitted to enter the bays and harbours of the Dominion.

Your Lordship is no doubt aware that the decisions of the Canadian Courts leave it open to question whether the purchase of bait in Canadian waters does or does not constitute a preparation to fish within the meaning of the Imperial Act of 1819 and the Canadian Statute which it is now sought to amend. The decision of Chief Justice Sir William Young in the Vice-Admiralty Court of Nova Scotia, given in November 1871 in the case of the fishing-schooner "Nickerson," was to the effect that the purchasing of bait constituted such a preparation to fish within Canadian waters. The same point had, however, previously arisen in February 1871 in the Vice-Admiralty Court at St John, New Brunswick, in the case of the American fishing-vessel "White Fawn," when Mr. Justice Hazen decided that the purchase of bait within the 3-mile limit was not of itself a proof that the vessel was preparing to fish illegally within that limit.

There being, therefore, some doubt whether the intention of the Convention of 1818 is effectually carried out either by the Imperial or the Canadian Acts referred to, it has been thought desirable by my Government to have recourse to legislation removing all doubt as to the liability to forfeiture of all foreign fishing-vessels resorting to Canadian waters for purposes not permitted by Law or by Treaty.

As the Law now stands, if it should prove that the purchase of bait is not held by the Courts to constitute a preparation to fish illegally, there would be no remedy against foreign fishing-vessels frequenting the waters of the Dominion for purposes not permitted by the Convention of 1818, except—

1. That provided by section 4 of the Act of 1819, namely, a penalty of 200*l.*, recoverable in the Superior Courts from the persons violating the provisions of the Act. This penalty, however, only attaches to a refusal to depart from the bay or harbour which the vessel has illegally entered, or to a refusal or neglect to conform to any Regulations or directions made under the Act, and as the purpose for which the vessel has entered will in most cases have been accomplished before an order can have been given for her departure, it will be obvious that this penalty has very little practical utility.

2. The common law penalties attaching to a violation of the Imperial Statute above referred to in respect of illegally entering the bays and harbours of the Dominion. If, however, it were sought to enforce these penalties, their enforcement personally against the master of the vessel would result in his having ultimately to take his trial for a misdemeanour, while he would, in the first instance, be required to find bail to a considerable amount, a result which would, in the opinion of my Government, be regarded as more oppressive than the detention of the offending vessel subject to the investigation of her case by the Vice-Admiralty Courts.

I have, &c.
(Signed) LANSDOWNE.

54

No. 56.

The Earl of Rosebery to Mr. Phelps.

Sir,

Foreign Office, June 3, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 1st instant, in which you inclose a copy of a telegram from Mr. Bayard protesting against the Bill now before the Canadian Parliament relative to the Fishery question; and I beg leave to acquaint you, in reply, that the subject shall receive the early and careful consideration of Her Majesty's Government.

I have, &c.
(Signed) ROSEBERY.

No. 57.

Sir J. Pouncefote to Sir R. Herbert.

Sir,

Foreign Office, June 3, 1886.

I AM directed by the Earl of Rosebery to transmit to you a copy of a despatch from Her Majesty's Minister at Washington, inclosing a copy of a second note from Mr. Bayard on the subject of the North American fisheries;* and I am to suggest that, if Earl Granville sees no objection, the Government of Canada may be requested, by telegraph, to furnish any observations on this note (which has been communicated to the Marquis of Lansdowne) in addition to those which they may offer on Mr. Bayard's note referred to in my letter of the 26th ultimo.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 58.

The Earl of Rosebery to Sir L. West.

Sir,

Foreign Office, June 4, 1886.

I HAVE received your despatch of the 11th ultimo, inclosing a copy of Mr. Bayard's note relative to the Fishery question and to the seizure of United States' vessels in Canadian ports; and I have to acquaint you, in reply, that this communication shall receive the immediate and friendly consideration of Her Majesty's Government.

I am, &c.
(Signed) ROSEBERY.

No. 59.

Mr. Bramston to Sir J. Pouncefote.—(Received June 5.)

Sir,

Downing Street, June 4, 1886.

WITH reference to previous correspondence relative to the North American Fisheries question, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Rosebery, copies of despatches and telegrams which have passed between the Secretary of State and the Governor-General of Canada on the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

* No. 49.

Inclosure 1 in No. 59.

The Marquis of Lansdowne to Earl Granville.

My Lord,

Government House, Ottawa, May 1, 1886.

AS I observe that some comments have been made in the London press upon the alleged detention of an American schooner at Baddeck, Cape Breton, for violation of the Fishery Laws of the Dominion, it may be as well that I should submit to you the following statement of the facts of the case, with which I have been supplied by my Minister of Marine and Fisheries.

2. On the evening of the 22nd April the American schooner "Joseph Story," Captain J. L. Anderson, of Gloucester, Massachusetts, anchored off the harbour of Baddeck. On the following morning the captain came ashore, bought some supplies, engaged a man, took him on board, and sailed without reporting to the Customs authorities. The Collector at Baddeck, Mr. L. G. Campbell, upon this telegraphed to the Sub-Collector at Bras d'Or, instructing him to detain the vessel, and at the same time reported his own action in the matter, by telegram, to the Minister of Customs.

3. In compliance with these instructions, the Sub-Collector at Bras d'Or detained the vessel, which proved to have clearances from St. Peter's to Aspy Bay, on a trading voyage.

4. On the 24th April the Minister of Customs telegraphed to Mr. Campbell that the vessel should be allowed to proceed on condition that the man illegally shipped be put on shore, the captain being formally warned by the Collector not to repeat the offence.

5. Your Lordship will observe that this vessel, being an American schooner, rendered herself liable to seizure for violation of the Customs Law by not reporting when she touched at Baddeck, as well as of the Coasting Laws by plying for trade between Canadian ports. The Collector's first telegram to the Minister of Customs stated that she was a fishing schooner, and on that information the telegram above referred to was sent, ordering her not to be longer detained provided the conditions attached were complied with. If it had been known that the case was one of trading illegally, the vessel would, without doubt, have been held for violation of the Customs Law. By the time, however, when the Minister of Customs had been made aware of the actual facts of the case she had already been released and permitted to proceed on her voyage.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 59.

Earl Granville to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, May 10, 1886.

PLEASE telegraph early full particulars of the seizure of the "David J. Adams" by Canadian authorities.

Inclosure 3 in No. 59.

The Marquis of Lansdowne to Earl Granville.

(Telegraphic.)

Ottawa, May 10, 1886.

SCHOONER "David J. Adams" was buying bait at Digby, did not report, as required by law, to Collector, and concealed her name and port of registry; is now detained at Digby in charge of Collector, and will be tried before Vice-Admiralty Court at Halifax for violation of Dominion Fishery Law of 1868, for contravention of Convention of 1818, and for violation of Customs Law by not reporting to Collector. Question of limits of territorial waters not raised.

Inclosure 4 in No. 59.

The Marquis of Lansdowne to Earl Granville.

My Lord,

Government House, Ottawa, May 11, 1886.

I HAD the honour to send your Lordship yesterday a telegram giving particulars of the detention on the 7th instant, at Digby, Nova Scotia, of the United States' schooner "David J. Adams" for breach of the Customs and Fishery Laws.

2. Your Lordship will observe that the case was one in which there was no doubt that the vessel had knowingly entered a Canadian port for an illegal purpose, her captain having endeavoured to conceal her name and port of registry. The evidence on this point, and also the proof that she had bought bait in large quantities, was, I understand, ample.

3. She had, in addition to this, violated sections 25 and 29 of the Customs Act of 1883 (46 Vict., cap. 12), having been for fully twenty-four hours in port without reporting to the Collector of Customs.

4. In consequence of the above occurrences, Captain P. A. Scott, R.N., in command of the fisheries police steamer "Lansdowne," took possession of the schooner and towed her to St. John, New Brunswick. Instructions had in the meanwhile been sent to him by telegraph, as soon as the Fisheries Department had been advised of the seizure, to detain the "David J. Adams" at Digby, it being thought best that the vessel should be libelled and the case tried in the Vice-Admiralty Court of the province in which the offence had been committed. In compliance with these instructions, Captain Scott took the "David J. Adams" back to Digby, where she now remains in charge of the Collector of Customs.

5. Proceedings will be taken against her: (1) for violation of the Customs Act above referred to; (2) for violation of the Dominion Fishery Act, 1868 (31 Vict., cap. 61); (3) for contravention of the provisions of the Convention of 1818 as enacted in the Imperial Act of 1819 (59 Geo. III, cap. 38).

6. No question has in this case arisen with regard to the limits of the territorial waters of the Dominion.

7. As your Lordship is no doubt aware, American fishing-vessels frequenting the coast of Canada have been in the habit of depending to a great extent upon Canadian fishermen for their supplies of bait. It has been usual for such vessels hailing from New England ports, as soon as the supply with which they had provided themselves on starting for their trip had become exhausted, to renew it in Canadian waters. Such vessels, if compelled as soon as they ran short of bait to return from the Canadian Banks to an American port, would lose a great part of their fishing season, and be put to considerable expense and inconvenience. Some idea of the importance of this point may be formed from the fact that Mr. Joucas, Commissioner to the London Fisheries Exhibition, and a high authority on all matters connected with the fisheries of the Dominion, in a paper read before the British Association at Montreal in 1884, estimates the cost of the bait used by each vessel engaged in the cod fishery at one-fourth of the value of her catch of cod.

8. There can, however, be no doubt that, under the terms of the Convention of 1818, foreign fishing-vessels are absolutely precluded from resorting to Canadian waters for the purpose of obtaining supplies of bait, and in view of the injury which would result to the fishing interests of the Dominion, which the Convention of 1818 was manifestly intended to protect, if any facilities not expressly authorized by that Convention were conceded to foreign fishermen, my Government will, so long as the relations of the Dominion with the United States are regulated by the Convention, be disposed to insist upon a strict observance of its provisions in this respect.

9. I will keep your Lordship informed of any further occurrences which may take place in connection with this question.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 5 in No. 59.

The Marquis of Lansdowne to Earl Granville.

My Lord,

Government House, Ottawa, May 19, 1886.

I HAVE the honour to inform you that the American fishing-schooner "Ella M. Doughty" was seized at St. Ann's, Nova Scotia, by Sub-Collector McAulay, who is reported by the Collector of Customs at Baddeck, Mr. L. G. Campbell, to have proof that the captain bought bait at St. Ann's without reporting to the Customs authorities.

2. Mr. Campbell further telegraphs that the captain acknowledges the facts and showed the bait bought, but claims that he held a permit or licence, signed by the Collector of Customs at Portland, Maine, to touch and trade at any foreign port.

3. The "Ella M. Doughty" has been held for not reporting, and an inquiry is now proceeding in order to ascertain whether there has or has not been an infraction of the Fishery Law of the Dominion.

I have, &c.
(Signed) LANSDOWNE.

No. 60.

Mr. Wingfield to Sir J. Pauncefote.—(Received June 5.)

Sir,

Downing Street, June 5, 1886.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 3rd instant, forwarding a copy of a despatch from Her Majesty's Minister at Washington, with a note from Mr. Bayard relative to the North American Fisheries question.

Lord Granville desires me to transmit to you, for the information of the Earl of Rosebery, a copy of a telegram which he has addressed to the Governor-General of Canada, requesting the observations of the Dominion Government upon the subject of this note.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure in No. 60.

Earl Granville to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, June 4, 1886.

HER Majesty's Government desire to be furnished with observations of Dominion Government on Bayard's note 20th May as soon as possible.

No. 61.

Mr. Phelps to the Earl of Rosebery.—(Received June 7.)

My Lord,

Legation of the United States, London, June 2, 1886.

SINCE the conversation I had the honour to hold with your Lordship on the morning of the 29th ultimo I have received from my Government a copy of the Report of the Consul-General of the United States at Halifax, giving full details and depositions relative to the seizure of the "David J. Adams," and the correspondence between the Consul-General and the Colonial authorities in reference thereto.

The Report of the Consul-General, and the evidence annexed to it, appear fully to sustain the points I submitted to your Lordship in the interview above referred to, touching the seizure of this vessel by the Canadian officials.

I do not understand it to be claimed by the Canadian authorities that the vessel seized had been engaged, or was intending to engage, in fishing within any limit prohibited by the Treaty of 1818. The occupation of the vessel was exclusively

deep-sea fishing, a business in which it had a perfect right to be employed. The ground upon which the capture was made was that the master of the vessel had purchased of an inhabitant of Nova Scotia, near the port of Digby in that province a day or two before, a small quantity of bait to be used in fishing in the deep sea outside the 3-mile limit.

The question presented is whether under the terms of the Treaty, and the construction placed upon them in practice for many years by the British Government, and in view of the existing relations between the United States and Great Britain, that transaction affords a sufficient reason for making such a seizure, and for proceeding under it to the confiscation of the vessel and its contents.

I am not unaware that the Canadian authorities, conscious, apparently, that the affirmative of this proposition could not easily be maintained, deemed it advisable to supplement it with a charge against the vessel of a violation of the Canadian Customs Act of 1883, in not reporting her arrival at Digby to the Customs officer. But this charge is not the one on which the vessel was seized, or which must now be principally relied on for its condemnation, and standing alone could hardly, even if well founded, be the source of any serious controversy. It would be at most, under the circumstances, only an accidental and purely technical breach of a Custom-house Regulation, by which no harm was intended, and from which no harm came, and would, in ordinary cases, be easily condoned by an apology, and perhaps the payment of costs.

But trivial as it is, this charge does not appear to be well founded in point of fact. Digby is a small fishing settlement, and its harbour not defined. The vessel had moved about and anchored in the outer part of the harbour, having no business at or communication with Digby, and no reason for reporting to the officer of Customs.

It appears by the Report of the Consul-General to be conceded by the Customs authorities there that fishing-vessels have for forty years been accustomed to go in and out of the bay at pleasure, and have never been required to send ashore and report when they had no business with the port, and made no landing, and that no seizure had ever before been made or claimed against them for so doing.

Can it be reasonably insisted under these circumstances that by the sudden adoption, without notice, of a new rule, a vessel of a friendly nation should be seized and forfeited for doing what all similar vessels had for so long a period been allowed to do without question?

It is sufficiently evident that the claim of a violation of the Customs Act was an afterthought brought forward to give whatever added strength it might to the principal claim on which the seizure had been made.

Recurring, then, to the only real question in the case, whether the vessel is to be forfeited for purchasing bait of an inhabitant of Nova Scotia to be used in lawful fishing, it may be readily admitted that, if the language of the Treaty of 1818 is to be interpreted literally, rather than according to its spirit and plain intent, a vessel engaged in fishing would be prohibited from entering a Canadian port "for any purpose whatever," except to obtain wood or water, to repair damages, or to seek shelter. Whether it would be liable to the extreme penalty of confiscation for a breach of this prohibition, in a trifling and harmless instance, might be quite another question.

Such a literal construction is best refuted by considering its preposterous consequences. If a vessel enters a port to post a letter, or send a telegram, or buy a newspaper, to obtain a physician in case of illness, or a surgeon in case of accident, to land or bring off a passenger, or even to lend assistance to the inhabitants in fire, flood, or pestilence, it would, upon this construction, be held to violate the Treaty stipulations maintained between two enlightened, maritime, and most friendly nations, whose ports are freely open to each other in all other places and under all other circumstances. If a vessel is not engaged in fishing, she may enter all ports. But if employed in fishing not denied to be lawful, she is excluded, though on the most innocent errand. She may buy water, but not food or medicine; wood, but not coal. She may repair rigging, but not purchase a new rope, though the inhabitants are desirous to sell it. If she even entered the port (having no other business) to report herself to the Custom-house, as the vessel in question is now seized for not doing, she would be equally within the interdiction of the Treaty. If it be said these are extreme instances of violation of the Treaty, not likely to be insisted on, I reply that no one of them is more extreme than the one relied upon in this case.

I am persuaded that your Lordship will, upon reflection, concur with me that

an intention so narrow, and in its results so unreasonable and so unfair, is not to be attributed to the High Contracting Parties who entered into this Treaty.

It seems to me clear that the Treaty must be construed in accordance with those ordinary and well-settled rules applicable to all written instruments, which, without such salutary assistance, must constantly fail of their purpose. By these rules the letter often gives way to the intent, or, rather, is only used to ascertain the intent. The whole document will be taken together, and will be considered in connection with the attendant circumstances, the situation of the parties, and the object in view. And thus the literal meaning of an isolated clause is often shown not to be the meaning really understood or intended.

Upon these principles of construction, the meaning of the clause in question does not seem doubtful. It is a Treaty of friendship, and not of hostility. Its object was to define and protect the relative rights of the people of the two countries in these fisheries, not to establish a system of non-intercourse, or the means of mutual and unnecessary annoyance. It should be judged in view of the general rules of international comity, and of maritime intercourse and usage, and its restrictions considered in the light of the purposes they were designed to serve.

Thus regarded, it appears to me clear that the words, "for no other purpose whatever," as employed in the Treaty, mean no other purposes inconsistent with the provisions of the Treaty, or prejudicial to the interests of the provinces or their inhabitants, and were not intended to prevent the entry of American fishing-vessels into Canadian ports for innocent and mutually beneficial purposes, or unnecessarily to restrict the free and friendly intercourse customary between all civilized maritime nations, and especially between the United States and Great Britain. Such, I cannot but believe, is the construction that would be placed upon this Treaty by any enlightened Court of Justice.

But even were it conceded that if the Treaty was a private contract instead of an international one, a Court, in dealing with an action upon it, might find itself hampered by the letter from giving effect to the intent, that would not be decisive of the present case.

The interpretation of Treaties between nations in their intercourse with each other proceeds upon broader and higher considerations. The question is not what is the technical effect of the words, but what is the construction most consonant to the dignity, the just interests, and the friendly relations of the sovereign Powers. I submit to your Lordship that a construction so harsh, so unfriendly, so unnecessary, and so irritating as that set up by the Canadian authorities is not such as Her Majesty's Government has been accustomed either to accord or to submit to. It would find no precedent in the history of British diplomacy, and no provocation in any action or assertion of the Government of the United States.

These views derive great if not conclusive force from the action of the British Parliament on the subject, adopted very soon after the Treaty of 1818 took effect, and continued without change to the present time. An Act of Parliament (59 Geo. III, cap. 38) was passed on the 14th June, 1819, to provide for carrying into effect the provisions of the Treaty. After reciting the terms of the Treaty, it enacts (in substance) that it shall be lawful for His Majesty, by Orders in Council, to make such Regulations and to give such directions, orders, and instructions to the Governor of Newfoundland, or to any officer or officers in that station, or to any other persons, "as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of said Convention *with relation to the taking, drying, and curing of fish by inhabitants of the United States of America*, in common with British subjects, within the limits set forth in the aforesaid Convention."

It further enacts that any foreign vessel engaged in fishing, or preparing to fish, within 3 marine miles of the coast (not authorized to do so by Treaty) shall be seized or forfeited upon prosecution in the proper Court.

It further provides as follows:—

"That it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbours of His Britannic Majesty's dominions in America as are last mentioned, for the purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water, and for no other purpose whatever; subject, nevertheless, to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbours, or in any other manner whatever abusing the said privileges by the said Treaty and this Act reserved to them, and as shall for that purpose be imposed by any Order or Orders to be from time to time made by His Majesty in Council under the authority of this

Act; and by any Regulations which shall be issued by the Governor, or person exercising the office of Governor, in any such parts of His Majesty's dominions in America, under or in pursuance of any such Order in Council as aforesaid."

It further enacts as follows:—

"That if any person or persons, upon requisition made by the Governor of Newfoundland, or the person exercising the office of Governor, or by any Governor or person exercising the office of Governor in any other parts of His Majesty's dominions in America as aforesaid, or by any officer or officers acting under such Governor or person exercising the office of Governor, in the execution of any orders or instructions from His Majesty in Council, shall refuse to depart from such bays or harbours; or if any person or persons shall refuse or neglect to conform to any Regulations or directions which shall be made or given for the execution of any of the purposes of this Act; every such person so refusing, or otherwise offending against this Act, shall forfeit the sum of 200/., to be recovered," &c.

It will be perceived from these extracts, and still more clearly from a perusal of the entire Act, that while reciting the language of the Treaty in respect to the purposes for which American fishermen may enter British ports, it provides no forfeiture or penalty for any such entry, unless accompanied either (1) by fishing, or preparing to fish, within the prohibited limits; or (2) by the infringement of restrictions that may be imposed by Orders in Council to prevent such fishing, or the drying or curing of fish, or the abuse of privileges reserved by the Treaty; or (3) by a refusal to depart from the bays or harbours upon proper requisition.

It thus plainly appears that it was not the intention of Parliament, nor its understanding of the Treaty, that any other entry by an American fishing-vessel into a British port should be regarded as an infraction of its provisions, or as affording the basis of proceedings against it.

No other Act of Parliament for the carrying out of this Treaty has ever been passed. It is unnecessary to point out that it is not in the power of the Canadian Parliament to enlarge or alter the provisions of the Act of the Imperial Parliament, or to give to the Treaty either a construction or a legal effect not warranted by that Act.

But until the effort which I am informed is now in progress in the Canadian Parliament for the passage of a new Act on this subject, introduced since the seizures under consideration, I do not understand that any Statute has ever been enacted in that Parliament which attempts to give any different construction or effect to the Treaty from that given by the Act of 59 Geo. III.

The only Provincial Statutes which, in the proceedings against the "David J. Adams," that vessel has thus far been charged with infringing are the Colonial Acts of 1868, 1870, and 1883. It is therefore fair to presume that there are no other Colonial Acts applicable to the case, and I know of none.

The Act of 1868, among other provisions not material to this discussion, provides for a forfeiture of foreign vessels "found fishing, or preparing to fish, or to have been fishing in British waters within 3 marine miles of the coast;" and also provides a penalty of 400 dollars against a master of a foreign vessel within the harbour who shall fail to answer questions put in an examination by the authorities. No other act is by this Statute declared to be illegal, and no other penalty or forfeiture is provided for.

The very extraordinary provisions in this Statute for facilitating forfeitures and embarrassing defence against or appeal from them not material to the present case would, on a proper occasion, deserve very serious attention.

The Act of 1870 is an amendment of the Act just referred to, and adds nothing to it affecting the present case.

The Act of 1883 has no application to the case, except upon the point of the omission of the vessel to report to the Customs officer, already considered.

It results, therefore, that, at the time of the seizure of the "David J. Adams" and other vessels, there was no Act whatever, either of the British or Colonial Parliaments, which made the purchase of bait by those vessels illegal, or provided for any forfeiture, penalty, or proceedings against them for such a transaction; and even if such purchase could be regarded as a violation of that clause of the Treaty which is relied on, no Law existed under which the seizure could be justified. It will not be contended that Custom-house authorities or Colonial Courts can seize and condemn vessels for a breach of the stipulations of a Treaty when no legislation exists which authorizes them to take cognizance of the subject, or invests them with any jurisdiction in the premises. Of this obvious conclusion the Canadian authorities seem to be quite

aware. I am informed that since the seizures they have pressed, or are pressing, through the Canadian Parliament in much haste an Act which is designed, for the first time in the history of the legislation under this Treaty, to make the facts upon which the American vessels have been seized illegal, and to authorize proceedings against them therefor.

What the effect of such an Act will be in enlarging the provisions of an existing Treaty between the United States and Great Britain need not be considered here. The question under discussion depends upon the Treaty, and upon such legislation, warranted by the Treaty, as existed when the seizures took place.

The practical construction given to the Treaty down to the present time has been in entire accord with the conclusions thus deduced from the Act of Parliament. The British Government has repeatedly refused to allow interference with American fishing-vessels, unless for illegal fishing, and has given explicit orders to the contrary.

On the 26th May, 1870, Mr. Thornton, the British Minister at Washington, communicated officially to the Secretary of State of the United States copies of the orders addressed by the British Admiralty to Admiral Wellesley, commanding Her Majesty's naval forces on the North American Station, and of a letter from the Colonial Department to the Foreign Office, in order that the Secretary might "see the nature of the instructions to be given to Her Majesty's and the Canadian officers employed in maintaining order at the fisheries in the neighbourhood of the coasts of Canada." Among the documents thus transmitted is a letter from the Foreign Office to the Secretary of the Admiralty, in which the following language is contained.

"The Canadian Government has recently determined, with the concurrence of Her Majesty's Ministers, to increase the stringency of the existing practice of dispensing with the warnings hitherto given, and seizing at once any vessel detected in violating the law.

"In view of this change, and of the questions to which it may give rise, I am directed by Lord Granville to request that you will move their Lordships to instruct the officers of Her Majesty's ships employed in the protection of the fisheries that they are not to seize any vessel unless it is evident, and can be clearly proved, that the offence of fishing has been committed, and the vessel itself captured, within 3 miles of land."

In the letter from the Lords of the Admiralty to Vice-Admiral Wellesley of the 5th May, 1870, in accordance with the foregoing request, and transmitting the letter above quoted from, there occurs the following language:—

"My Lords desire me to remind you of the extreme importance of Commanding Officers of the ships selected to protect the fisheries exercising the utmost discretion in carrying out their instructions, paying special attention to Lord Granville's observation, *that no vessel should be seized unless it is evident, and can be clearly proved, that the offence of fishing has been committed, and that the vessel is captured, within 3 miles of land.*"

Lord Granville, in transmitting to Sir John Young the aforesaid instructions, makes use of the following language:—

"Her Majesty's Government do not doubt that your Ministers will agree with them as to the propriety of these instructions, and will give corresponding instructions to the vessels employed by them."

These instructions were again officially stated by the British Minister at Washington to the Secretary of State of the United States, in a letter dated the 11th June, 1870.

Again, in February 1871, Lord Kimberley, Colonial Secretary, wrote to the Governor-General of Canada as follows:—

"The exclusion of American fishermen from resorting to Canadian ports, except for the purpose of shelter and of repairing damages therein, purchasing wood, and of obtaining water, might be warranted by the letter of the Treaty of 1818, and by the terms of the Imperial Act 59 Geo. III, cap. 38; but Her Majesty's Government feel bound to state that it seems to them an extreme measure, inconsistent with the general policy of the Empire, and they are disposed to concede this point to the United States' Government, under such restrictions as may be necessary to prevent smuggling, and to guard against any substantial invasion of the exclusive rights of fishing which may be reserved to British subjects."

And in a subsequent letter from the same source to the Governor-General the following language is used:—

"I think it right, however, to add that the responsibility of determining what is the true construction of a Treaty made by Her Majesty with any foreign Power must

remain with Her Majesty's Government, and that the degree to which this country would make itself a party to the strict enforcement of the Treaty rights may depend not only on the literal construction of the Treaty, but on the moderation and reasonableness with which these rights are asserted."

I am not aware that any modification of these instructions, or any different rule from that therein contained, has ever been adopted or sanctioned by Her Majesty's Government.

Judicial authority upon this question is to the same effect. That the purchase of bait by American fishermen in the provincial ports has been a common practice is well known, but in no case, so far as I can ascertain, has a seizure of an American vessel ever been enforced on the ground of the purchase of bait, or of any other supplies. On the hearing before the Halifax Fisheries Commission in 1877-78 this question was discussed, and no case could be produced of any such condemnation. Vessels shown to have been condemned were in all cases adjudged guilty either of fishing, or preparing to fish, within the prohibited limit.

And in the case of the "White Fawn," tried in the Admiralty Court at New Brunswick before Judge Hazen in 1870, I understand it to have been distinctly held that the purchase of bait, unless proved to have been in preparation for illegal fishing, was not a violation of the Treaty nor of any existing law, and afforded no ground for proceedings against the vessel.

But even were it possible to justify on the part of the Canadian authorities the adoption of a construction of the Treaty entirely different from that which has always heretofore prevailed, and to declare those acts criminal which have hitherto been regarded as innocent, upon obvious grounds of reason and justice, and upon common principles of comity to the United States' Government, previous notice should have been given to it or to the American fishermen of the new and stringent restrictions it was intended to enforce.

If it was the intention of Her Majesty's Government to recall the instructions which I have shown had been previously and so explicitly given relative to interference with American vessels, surely notice should have been given accordingly.

The United States have just reason to complain, even if these restrictions could be justified by the Treaty, or by the Acts of Parliament passed to carry it into effect, that they should be enforced in so harsh and unfriendly a manner, without notice to the Government of the change of policy, or to the fishermen of the new danger to which they were thus exposed.

In any view, therefore, which it seems to me can be taken of this question, I feel justified in pronouncing the action of the Canadian authorities in seizing and still retaining the "David J. Adams" to be not only unfriendly and discourteous, but altogether unwarrantable.

The seizure was much aggravated by the manner in which it was carried into effect. It appears that four several visitations and searches of the vessel were made by boats from the Canadian steamer "Lansdowne" in Annapolis Basin, Nova Scotia. The "Adams" was finally taken into custody, and carried out of the Province of Nova Scotia across the Bay of Fundy and into the port of St. John's, New Brunswick; and, without explanation or hearing, on the following Monday, the 10th May, taken back by an armed crew to Digby, in Nova Scotia. That, in Digby, the paper alleged to be the legal precept for the capture and detention of the vessel was nailed to her mast in such manner as to prevent its contents being read, and the request of the captain of the "David J. Adams," and of the United States' Consul-General, to be allowed to detach the writ from the mast, for the purpose of learning its contents, was positively refused by the Provincial official in charge. Nor was the United States' Consul-General able to learn from the Commander of the "Lansdowne" the nature of the complaint against the vessel, and his respectful application to that effect was fruitless.

From all the circumstances attending this case, and other recent cases like it, it seems to me very apparent that the seizure was not made for the purpose of enforcing any right or redressing any wrong. As I have before remarked, it is not pretended that the vessel had been engaged in fishing, or was intending to fish, in the prohibited waters, or that it had done, or was intending to do, any other injurious act. It was proceeding upon its regular and lawful business of fishing in the deep sea. It had received no request, and, of course, could have disregarded no request, to depart, and was, in fact, departing when seized; nor had its master refused to answer any questions put by the authorities.

It had violated no existing Law, and had incurred no penalty that any known Statute imposed.

It seems to me impossible to escape the conclusion that this and other similar seizures were made by the Canadian authorities for the deliberate purpose of harassing and embarrassing the American fishing-vessels in the pursuit of their lawful employment, and the injury, which would have been a serious one if committed under a mistake, is very much aggravated by the motives which appear to have prompted it.

I am instructed by my Government earnestly to protest against these proceedings as wholly unwarranted by the Treaty of 1818, and altogether inconsistent with the friendly relations hitherto existing between the United States and Her Majesty's Government; to request that the "David J. Adams" and the other American fishing-vessels now under seizure in Canadian ports be immediately released; and that proper orders may be issued to prevent similar proceedings in the future; and I am also instructed to inform you that the United States will hold Her Majesty's Government responsible for all losses which may be sustained by American citizens in the dispossession of their property growing out of the search, seizure, detention, or sale of their vessels lawfully within the territorial waters of British North America.

The real source of the difficulty that has arisen is well understood. It is to be found in the irritation that has taken place among a portion of the Canadian people on account of the termination, by the United States' Government, of the Treaty of Washington on the 1st July last, whereby fish imported from Canada into the United States, and which, so long as that Treaty remained in force, was admitted free, is now liable to the import duty provided by the General Revenue Laws. And the opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new Treaty by which Canadian fish shall be admitted free.

It is not necessary to say that this scheme is likely to prove as mistaken in policy as it is indefensible in principle. In terminating the Treaty of Washington the United States were simply exercising a right expressly reserved to both parties by the Treaty itself, and of the exercise of which by either party neither can complain. They will not be coerced by wanton injury into the making of a new one. Nor would a negotiation that had its origin in mutual irritation be promising of success. The question now is not what fresh Treaty may or might be desirable, but what is the true and just construction, as between the two nations, of the Treaty that already exists.

The Government of the United States, approaching this question in the most friendly spirit, cannot doubt that it will be met by Her Majesty's Government in the same spirit, and feels every confidence that the action of Her Majesty's Government in the premises will be such as to maintain the cordial relations between the two countries that have so long happily prevailed.

I have, &c.

(Signed) E. J. PHELPS.

No. 62.

Sir R. Herbert to Sir J. Pauncefote.—(Received June 10.)

Sir,

Downing Street, June 9, 1886.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Rosebery, copies of two despatches from the Governor-General of Canada relative to the North American Fisheries question.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 62.

The Marquis of Lansdowne to Earl Granville.

My Lord,

Government House, Ottawa, May 26, 1886.

I HAVE the honour to forward to your Lordship herewith a copy of a further despatch from Sir Lionel West in connection with Mr. Bayard's note on the questions arising from the seizures of American fishing-vessels in Canadian waters.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 62.

Sir L. West to the Marquis of Lansdowne.

My Lord,

Washington, May 21, 1886.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 17th instant, and to inform your Lordship that I took an opportunity of communicating it to the Secretary of State, who expressed great satisfaction at the conciliatory language used by your Excellency.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 3 in No. 62.

The Marquis of Lansdowne to Earl Granville.

My Lord,

Government House, Ottawa, May 26, 1886.

WITH reference to the concluding paragraph of my despatch of the 19th instant, reporting the seizure of the American fishing-schooner "Ella M. Doughty," I have the honour to inform your Lordship that the vessel in question is being proceeded against in the same way as the "David J. Adams," viz., for violation of the Customs Act of 1883, of the Dominion Fishery Act of 1868, and for contravention of the Treaty of 1818.

I have, &c.
(Signed) LANSDOWNE.

No. 63:

Sir L. West to the Earl of Rosebery.—(Received June 11.)

My Lord,

Washington, May 30, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, protesting against the provisions of the Bill in the Canadian Parliament as an assumption of jurisdiction unwarranted by existing Conventions between Great Britain and the United States, and informing me that the United States' Minister in London has been instructed in this sense.

At an interview which I had yesterday with Mr. Bayard he again alluded to the right of the Dominion Government to interpret a Treaty between Great Britain and the United States, but he was not at the time aware of the proceedings in the Canadian Parliament, and only sought for information as to the relation of the Legislatures of Great Britain and Canada. It was only after I left him that he received the copy of the Bill in question, upon which he addressed to me the note copy of which accompanies this despatch.

I have forwarded a copy of Mr. Bayard's note to the Marquis of Lansdowne for his Excellency's information.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 63.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, May 29, 1886.

I HAVE just received an official imprint of House of Commons Bill No. 136, now pending in the Canadian Parliament, entitled "An Act further to amend the Act respecting Fishing by Foreign Vessels," and am informed that it has passed the House, and is now pending in the Senate.

This Bill proposes the forcible search, seizure, and forfeiture of any foreign vessel within any harbour in Canada, or hovering within 3 marine miles of any of the coasts,

bays, creeks, or harbours in Canada, where such vessel has entered such waters for any purpose not permitted by the laws of nations, or by Treaty or Convention, or by any law of the United Kingdom or of Canada now in force.

I hasten to call your attention to the wholly unwarranted proposition of the Canadian authorities, through their local agents, arbitrarily to enforce according to their own construction the provisions of any Convention between the United States and Great Britain, and, by the interpolation of language not found in any such Treaty, and by interpretation not claimed or conceded by either party to such Treaty, to invade and destroy the commercial rights and privileges of citizens of the United States under and by virtue of Treaty stipulations with Great Britain and Statutes in that behalf made and provided.

I have also been furnished with a copy of Circular No. 371, purporting to be from the Customs Department at Ottawa, dated the 7th May, 1886, and to be signed by J. Johnson, Commissioner of Customs, assuming to execute the provisions of the Treaty between the United States and Great Britain concluded the 20th October, 1818; and printed copies of a "Warning" purporting to be issued by George E. Foster, Minister of Marine and Fisheries, dated Ottawa, the 5th March, 1886, of a similar tenour, although capable of unequal results in its execution.

Such proceedings I conceive to be flagrantly violative of the reciprocal commercial privileges to which citizens of the United States are lawfully entitled under Statutes of Great Britain and the well-defined and publicly proclaimed authority of both countries, besides being in respect of the existing Conventions between the two countries an assumption of jurisdiction entirely unwarranted, and which is wholly denied by the United States.

In the interest of the maintenance of peaceful and friendly relations I give you my earliest information on the subject, adding that I have telegraphed Mr. Phelps, our Minister at London, to make earnest protest to Her Majesty's Government against such arbitrary, unlawful, unwarranted, and unfriendly action on the part of the Canadian Government and its officials, and have instructed Mr. Phelps to give notice that the Government of Great Britain will be held liable for all losses and injuries to citizens of the United States and their property caused by the unauthorized and unfriendly action of the Canadian officials to which I have referred.

I have, &c.
(Signed) T. F. BAYARD.

No. 64.

Sir L. West to the Earl of Rosebery.—(Received June 11.)*

My Lord,

Washington, May 30, 1886.

I HAVE the honour to inform your Lordship that the fine imposed on the Nova Scotia fishing-schooner "Sisters," seized at Portland (Maine) for a violation of the Customs Regulations, has been remitted by the Acting Secretary of the Treasury.

I inclose herewith an article from the "New York Herald" in connection therewith.†

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 65.

Sir L. West to the Earl of Rosebery.—(Received June 11.)

My Lord,

Washington, June 3, 1886.

I HAVE the honour to inclose to your Lordship herewith copies of two letters which I have received from Mr. Bayard respecting the proceeding of the Canadian authorities against American fishing-vessels. I have explained to Mr. Bayard that I am powerless to deal with these matters.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

* Copy to Colonial Office, June 15.

† Not printed.

Inclosure 1 in No. 65.

Mr. Bayard to Sir L. West.

My dear Sir Lionel,

Department of State, Washington, June 1, 1886.

I SEND you a copy of a telegram I have received from our Consul-General at Halifax, reporting additional cases of interference with American vessels by the Canadian authorities.

There is no possible justification apparent in the repetition and continuance of such harsh and harassing action on the part of the provincial authorities against peaceful commerce. It can only be productive of injury to the efforts to establish a just mutual understanding, and obstruct the amicable international arrangement of a vexed question.

Very sincerely yours,
(Signed) T. F. BAYARD.

Inclosure 2 in No. 65.

Mr. Phelan to Mr. Bayard.

(Telegraphic.)

Halifax, Nova Scotia, May 30, 1886.

CUTTER "Houlett" boarded American vessel at Canso and searched her. I have not particulars.

Schooner "Matthew Keany" detained one day at Souris, Prince Edward's Island, for purchasing ten bushels potatoes. The potatoes were landed and vessel allowed to go.

Inclosure 3 in No. 65.

Mr. Bayard to Sir L. West.

My dear Sir Lionel,

Department of State, Washington, June 2, 1886.

A TELEGRAM from Eastport, in Maine, to the Member of Congress from that district, announces a threat by Dominion Collectors of Customs to seize American boats if they buy herring for canning in the Dominion weirs.

This additional threatened inhibition of trade relates to the sardine industry, which consists in canning in the United States very small and young herring, which I am informed are caught very closely inshore in weirs in Canadian waters by the inhabitants and sold to citizens of the United States.

The occupation is carried on solely by Canadian fishermen along the coasts of their own country, so that the interference suggested is with their freedom of contract to dispose of property lawfully, the result of their own labours, because the sale is to citizens of the United States.

It is important that the facts should be made known plainly.

Yours, &c.
(Signed) T. F. BAYARD.

No. 66.

Sir L. West to the Earl of Rosebery.—(Received June 14.)

My Lord,

Washington, June 4, 1886.

WITH reference to my despatch of the 11th May, I have the honour to inclose to your Lordship herewith the text of the Bill relating to American shipping which has passed Congress. Section 12 refers to reciprocity of tonnage dues, and section 17 is the retaliatory clause directed against Canada.

Official copies of the Act, when approved by the President, will be forwarded.*

I have, &c.
(Signed) L. S. SACKVILLE WEST.

* The Act was approved June 19, 1886.

Inclosure in No. 66.

Extract from the Bill relating to American Shipping.

SECTION 12. That the President be, and hereby is, directed to cause the Governments of foreign countries which, at any of their ports, impose on American vessels a tonnage tax or lighthouse dues, or other equivalent tax or taxes, or any other fees, charges, or dues, to be informed of the provisions of the preceding section, and invited to co-operate with the Government of the United States in abolishing all lighthouse dues, tonnage taxes, or other equivalent tax or taxes on, and also all other fees for official services to the vessels of the respective nations employed in the trade between the ports of such foreign country and the ports of the United States.

Sect. 17. That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels in the United States any of the commercial privileges accorded to national vessels in the harbours, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his Proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country; and on and after the date named in such Proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said Proclamation from the exercise of any commercial privileges shall do any act prohibited by said Proclamation in the ports, harbours, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this act, or aiding and abetting any other person in such opposition, shall forfeit 800 dollars, and shall be guilty of a misdemeanour, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

No. 67.

The Earl of Rosebery to Mr. Phelps.

Sir,

Foreign Office, June 14, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 2nd instant, containing representations which you have been instructed by your Government to make respecting certain seizures of American fishing-vessels which have recently taken place in Canadian ports; and I beg leave to acquaint you, in reply, that the subject will receive the early and careful consideration of Her Majesty's Government.

I have, &c.
(Signed) ROSEBERY.

No. 68.

Sir L. West to the Earl of Rosebery.—(Received June 18.)

My Lord,

Washington, June 8, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a further note which I have received from the Secretary of State protesting against the action of the Canadian Customs authorities at the port of St. Andrew's, New Brunswick, in the case of the American fishing-vessel "Annie M. Jordan."

Your Lordship will observe that it is again intimated (see note of the 29th May,
[84])

1886) that Her Majesty's Government will be held liable for the loss and damage consequent on the seizures and detention of American vessels.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 68.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, June 7, 1886.

I REGRET exceedingly to communicate that report is to-day made to me, accompanied by affidavit, of the refusal of the Collector of Customs of the port of St. Andrew's, New Brunswick, to allow the master of the American schooner "Annie M. Jordan," of Gloucester, Massachusetts, to enter the said vessel at that port, although properly documented as a fishing-vessel, with permission to touch and trade at any foreign port or place during her voyage.

The object of such entry was explained by the master to be the purchase and exportation of certain merchandize" (possibly fresh fish for food, or bait for deep-sea fishing).

The vessel was threatened with seizure by the Canadian authorities, and her owners allege that they have sustained damage from this refusal of commercial rights.

I earnestly protest against this unwarranted withholding of lawful commercial privileges from an American vessel and her owners, and for the loss and damage consequent thereon the Government of Great Britain will be held liable.

I have, &c.
(Signed) T. F. BAYARD.

No. 69.

The Earl of Rosebery to Sir L. West.

Sir,

Foreign Office, June 21, 1886.

I HAVE received your despatch of the 30th ultimo, inclosing a copy of a note from Mr. Bayard protesting against the provisions of the Bill No. 136 now pending in the Canadian Parliament, and also against the terms of the Customs Circular No. 371; and I have to request that you will inform Mr. Bayard, in reply, that the matter will receive careful attention after the necessary communication with the Dominion Government.

I am, &c.
(Signed) ROSEBERY.

No. 70.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, June 21, 1886.

I AM directed by the Earl of Rosebery to transmit to you, to be laid before Earl Granville, a copy of a despatch from Her Majesty's Minister at Washington, inclosing copy of a note from the United States' Secretary of State protesting against the action of the Canadian Customs authorities at the port of St. Andrew's, New Brunswick, in the case of the United States' fishing-vessel "Annie M. Jordan;"* and I am to state that Lord Rosebery would be glad to be furnished with a Report from the Dominion Government in regard to this case.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

* No. 68.

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No. 71.

Sir L. West to the Earl of Rosebery.—(Received June 28.)

My Lord,

Washington, June 15, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State requesting the attention of Her Majesty's Government to certain warnings alleged to have been given to American fishing-vessels by the Canadian authorities to keep outside imaginary lines drawn from headlands to headlands, which he characterizes as wholly unwarranted pretensions of extra-territorial authority, and usurpations of jurisdiction.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure in No. 71.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, June 14, 1886.

THE Consul-General of the United States at Halifax communicates to me the information derived by him from the Collector of Customs at that port, to the effect that American fishing-vessels will not be permitted to land fish at that port of entry for transportation in bond across the province.

I have also to inform you that the masters of the four American fishing-vessels of Gloucester, Massachusetts—"Martha A. Bradly," "Rattler," "Eliza Boynton," and "Pioneer"—have severally reported to the Consul-General at Halifax that the Sub-Collector of Customs at Canso had warned them to keep outside an imaginary line drawn from a point 3 miles outside Canso Head to a point 3 miles outside St. Esprit, on the Cape Breton coast, a distance of 40 miles. This line, for nearly its entire continuance, is distant 12 to 25 miles from the coast. The same masters also report that they were warned against going inside an imaginary line drawn from a point 3 miles outside North Cape, on Prince Edward Island, to a point 3 miles outside of East Point, on the same island, a distance of over 100 miles, and that this last-named line was for nearly that entire distance about 30 miles from the shore.

The same authority informed the masters of the vessels referred to that they would not be permitted to enter Bay Chaleur.

Such warnings are, as you must be well aware, wholly unwarranted pretensions of extra-territorial authority, and usurpations of jurisdiction by the Provincial officials.

It becomes my duty, in bringing this information to your notice, to request that if any such orders for interference with the unquestionable rights of the American fishermen to pursue their business without molestation at any point not within 3 marine miles of the shores, and within the defined limits as to which renunciation of the liberty to fish was expressed in the Treaty of 1818, may have been issued, the same may at once be revoked as violative of the rights of citizens of the United States under Convention with Great Britain.

I will ask you to bring this subject to the immediate attention of Her Britannic Majesty's Government to the end that proper remedial orders may be forthwith issued.

It seems most unfortunate and regrettable that questions which have been long since settled between the United States and Great Britain should now be sought to be revived.

I have, &c.

(Signed)

T. F. BAYARD.

No. 72.

Sir R. Herbert to Sir J. Pouncefote.—(Received July 3.)

Sir,

Downing Street, July 3, 1886.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Rosebery, a copy of a despatch, with its inclosures, from the Governor-General of Canada relative to the case of the Canadian schooner "Sisters."

I am, &c.

(Signed)

ROBERT G. W. HERBERT.

Inclosure 1 in No. 72.

The Marquis of Lansdowne to Earl Granville.

My Lord,

Citadel, Quebec, June 9, 1886.

I HAVE the honour to forward herewith, for your Lordship's information, copies of two despatches which I have received from Her Majesty's Minister at Washington in regard to the detention and subsequent release of the Canadian schooner "Sisters," at Portland, Maine, for violation of the Customs Regulations of the United States.

2. The vessel in question arrived in the port of Portland with a cargo of fish, and became liable to a fine of 500 dollars for the failure of her captain to produce a manifest of her cargo upon his arrival within the limits of the Customs jurisdiction of the port. As, however, the United States' authorities were satisfied that there was no intention on the part of the captain of the "Sisters" to defraud the revenue, the fine was remitted and the vessel released.

I have communicated copies of Sir Lionel West's despatches to my Government.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 72.

Sir L. West to the Marquis of Lansdowne.

My Lord,

Washington, May 29, 1886.

I HAVE the honour to inclose herewith to your Excellency copy of the Report of the Collector of Customs, at Portland (Maine), in regard to the detention of the schooner "Sisters."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 3 in No. 72.

Extract from the "Washington Republic" of May 29, 1886.

THE SEIZURE OF THE "SISTERS."—Acting Secretary Fairchild yesterday received a Report from Collector Anderson at Portland in regard to the alleged detention of the British schooner "Sisters," in which he says:—

"Herewith I transmit a statement of Jesse Ellis, Master of British schooner 'Sisters,' of Yarmouth, Nova Scotia, relating to a penalty incurred by him in consequence of violation of provisions of Section 2814 Revised Statutes of the United States. On this case I have respectfully to report that this vessel arrived and entered at this port under circumstances substantially as stated by Captain Ellis. The 'clearance' he alludes to has on its face the single word 'fish' as a description of cargo. Nowhere on 'clearance' is any reference made to kind, condition, quantity, by whom shipped, or to whom consigned. Very likely the discrepancy between his statement and the fact arises through an inadvertence on the part of the person he employed to draw up the statement. The Acting Boarding Officer at this port reported to me, through the Surveyor, under date of the 24th instant, that this vessel arrived at this port to-day, and the captain failed to produce a manifest of the cargo on board such schooner.

"In consequence of this the Master was informed on entry that he was liable to a penalty of 500 dollars for failure to produce a manifest upon his arrival within the limits of this collection district, as provided by Section 2814 Revised Statutes of the United States; that under an Article of Treasury Regulations, 1884, relating to Customs and Navigation Laws, the case would be submitted to the Secretary of the Treasury before enforcing the penalty. I believe the reasons he assigns for his failure to comply with the requirements of the Navigation Laws and Customs Regulations of the United States to be true. I have not discovered any attempt on his part to defraud the revenue. He presented a manifest in proper form on entry of his vessel, in which cargo was set up as taken on board at Farnsworth, Nova Scotia; contents, 20,000 fresh mackerel, shipped by W. A. Killian, and consigned to W. L. Clements and Co.: consignee's residence,

Portland; and port of destination, Portland. In view of the fact that the morning papers of this city publish in full a statement of Captain Ellis, as herein inclosed, I deem it proper to say that the document was not furnished the press by an officer connected with the Customs Service at this port, to my knowledge. I respectfully submit the case, and await your instructions thereon."

Captain Ellis' statement, referred to in the above letter, has already been published.

Inclosure 4 in No. 72.

Sir L. West to the Marquis of Lansdowne.

My Lord,

Washington, May 31, 1886.

I HAVE the honour to inform your Excellency that the fine imposed on the Nova Scotia fishing schooner "Sisters," seized at Portland (Maine) for a violation of the Customs Regulations, has been remitted by the Acting Secretary of the Treasury. I inclose herewith an article from the "New York Herald" in connection therewith.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 5 in No. 72.

Extract from the "New York Herald" of May 31, 1886.

"ERRING SISTERS, GO IN PEACE."

MR. FAIRCHILD, the Acting Secretary to the Treasury, has remitted the fine to which the Nova Scotia fishing schooner "Sisters," which was seized at Portland last Monday, was liable for want of a manifest. The "Herald" anticipated this remission. On the morning after the seizure we expressed our confidence that the Treasury Department would temper justice with mercy as soon as it received an official certificate of the facts which our correspondent at Portland already had ascertained and reported to us. The skipper was just as devoid of evil intention as were the captains and crews of those fishing schooners from Gloucester and Portland which the Canadians have seized and are prosecuting not only unmercifully, but unjustly.

The difference between the conduct of the authorities on this side of the border and on the other side is a great one, and will not fail to be noticed wherever the fishery questions are discussed. No special merit, to be sure, attaches to our Treasury Department for its course in this case. It has done only what was to be expected of a civilized administration, and the Canadians have only themselves to blame for the contrast.

No. 73.

Sir L. West to the Earl of Rosebery.—(Received July 15.)

My Lord,

Washington, July 3, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a further note which I have received from the Secretary of State, reporting the detention of the American schooner "City Point," of Portland (Maine), by the authorities of Nova Scotia.

I have, &c.

(Signed) L. S. SACKVILLE WEST

Inclosure in No. 73.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, July 2, 1886.

IT is my unpleasant duty promptly to communicate to you the telegraphic Report to me by the United States' Consul-General at Halifax, that the schooner "City Point," of Portland, Maine, arrived at the port of Shelburne, Nova Scotia, landed two men, obtained water, and is detained by the authorities until further instructions are received from Ottawa. The case, as thus reported, is an infringement of the ordinary rights of international hospitality, and constitutes a violation of Treaty stipulations and commercial privileges, evincing such unfriendliness to the citizens of the United States as is greatly to be deplored, and which I hold it to be the responsible duty of the Government of Great Britain promptly to correct.

I have, &c.
(Signed) T. F. BAYARD.

No. 74.

Mr. Phelps to the Earl of Rosebery.—(Received July 17.)

My Lord,

Legation of the United States, London, July 16, 1886.

I HAVE the honour to inclose herewith the copy of a telegram which I have just received from the Secretary of State, and to which I beg that your Lordship will give the earliest possible attention.

I have, &c.
(Signed) E. J. PHELPS.

Inclosure in No. 74.

Mr. Bayard to Mr. Phelps.

(Telegraphic.)

(Received at the Legation, July 16, 1886.)

YOU will state to Lord Rosebery that, realizing fully any embarrassment or delays attendant upon pending changes of British Administration, it is our duty to call upon Imperial Government to put a stop to the unjust, arbitrary, and vexatious action of Canadian authorities towards our citizens engaged in open sea fishing and trading, but not violating or contemplating violation of any Law or Treaty. Our readiness, long since expressed, to endeavour to come to a just and fair joint interpretation of Treaty rights and commercial privileges, is ill met by persistent and unfriendly action of Canadian authorities, which is rapidly producing a most injurious and exasperating effect. I am without reply from British Minister, who is now absent.

No. 75.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, July 17, 1886.

I AM directed by the Earl of Rosebery to transmit to you a copy of a despatch from Her Majesty's Minister at Washington,* inclosing a copy of a note from Mr. Bayard, in which he protests against the detention of the American schooner "City Point" at Shelburne, Nova Scotia; and I am to request that Earl Granville will instruct the Marquis of Lansdowne, by telegraph, to send home a Report on the subject, if possible, by cable.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

* No. 73.

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No. 76.

Mr. Hardinge to the Earl of Rosebery.—(Received July 23.)

My Lord,

Washington, July 12, 1886.

I HAVE the honour to transmit herewith to your Lordship copy of a note received to-day, from the Secretary of State, protesting against the action of the Canadian Customs authorities at Pictou, Nova Scotia, in denying to the steamship "Novelty," of the United States, the right to take in steam coal, purchase ice, or tranship fish in bond to the United States.

I have, &c.

(Signed)

CHARLES HARDINGE.

Inclosure in No. 76.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, July 10, 1886.

I HAVE the honour to inform you that I am in receipt of a Report from the Consul-General of the United States at Halifax, accompanied by sworn testimony, stating that the "Novelty," a duly registered merchant steam-vessel of the United States, has been denied the right to take in steam coal, or purchase ice, or tranship fish in bond to the United States, at Pictou, Nova Scotia.

It appears that, having reached that port on the 1st instant, and finding the Customs Office closed on account of a holiday, the master of the "Novelty" telegraphed to the Minister of Marine and Fisheries at Ottawa, asking if he would be permitted to do any of the three things mentioned above; that he received in reply a telegram reciting, with certain inaccurate and extended application, the language of Article I of the Treaty of 1818, the limitations upon the significance of which are impending discussion between the Government of the United States and that of Her Britannic Majesty; that on entering and clearing the "Novelty" on the following day at the Custom-house, the collector stated that his instructions were contained in the telegram the master had received; and that, the privilege of coaling being denied, the "Novelty" was compelled to leave Pictou without being allowed to obtain fuel necessary for her lawful voyage on a dangerous coast.

Against this treatment I make instant and formal protest, as an unwarranted interpretation and application of the Treaty by the officers of the Dominion of Canada and the Province of Nova Scotia, as an infraction of the laws of commercial and maritime intercourse existing between the two countries, and as a violation of hospitality, and for any loss or injury resulting therefrom the Government of Her Britannic Majesty will be held liable.

I have, &c.

(Signed)

T. F. BAYARD.

No. 77.

Mr. Hardinge to the Earl of Rosebery.—(Received July 23.)

My Lord,

Washington, July 12, 1886.

WITH reference to my preceding despatch of to-day, I have the honour to inclose to your Lordship herewith copy of a further note addressed by the Secretary of State to Sir L. West, protesting against the interference of the Dominion cruiser "Middleton" in preventing American boats from visiting St. Andrew's, New Brunswick, for the purpose of there purchasing herring for canning.

In reply, I have merely acknowledged the receipt of his note, and stated that I would acquaint your Lordship with his views on this subject.

I have also the honour to transmit to your Lordship an extract from the "National Republican" of to-day's date, giving the full text of Mr. Bayard's reply to Representative Boutelle of Maine, together with a statement made by the Captain of one of the American boats in question, whose masters complain of the violation of their commercial rights.

I have, &c.

(Signed)

CHARLES HARDINGE.

Inclosure 1 in No. 77.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, July 10, 1886.

ON the 2nd June last I had the honour to inform you that despatches from Eastport in Maine had been received, reporting threats by the Customs officials of the Dominion to seize American boats coming into those waters to purchase herring from the Canadian weirs for the purpose of canning the same as sardines, which would be a manifest infraction of the right of purchase and sale of herring caught and sold by Canadians in their own waters, in the pursuance of legitimate trade.

To this note I have not had the honour of a reply. To-day Mr. C. A. Boutelle, M.C., from Maine, informs me that American boats visiting St. Andrew's, New Brunswick, for the purpose of there purchasing herring from the Canadian weirs for canning, had been driven away by the Dominion cruiser "Middleton."

Such inhibition of usual and legitimate commercial contracts and intercourse is assuredly without warrant of law, and I draw your attention to it in order that the commercial rights of citizens of the United States may not be thus invaded and subjected to unfriendly discrimination, and I am, &c.

(Signed)

T. F. BAYARD.

Inclosure 2 in No. 77.

Extract from the "National Republican" of July 12, 1886.

REPRESENTATIVE BOUTELLE, of Maine, has received the following reply to his request that the State Department give immediate attention to the statement telegraphed him from Eastport, that American boats were driven away from St. Andrew's, New Brunswick, on Friday by a Dominion cruiser:—

"Dear Sir,

"Department of State, July 10, 1886.

"I have just received your telegram of this date, stating that you had a despatch from Eastport, Maine, that American boats after herring for sardines at St. Andrew's, New Brunswick, were driven away by the Dominion cruiser "Middleton," with the announcement that no American boats will be allowed to take herring for any purpose; and to this you invoke the immediate attention of this Department.

"On the 2nd June last you called at this Department, in company with Senator Hale, of Maine, and then drew my attention to a similar threat of interference with the purchase of small herring for canning as sardines from the Canadian weirs. On the same day I made representation of the alleged threats to the British Minister at this capital, and drew his attention to the alleged violation of lawful commercial intercourse between British subjects in Canada and the citizens of the United States.

"I will assist materially in all such cases of alleged violation of commercial rights if accurate and full statements of all the facts in each case are procured and forwarded to this Department, accompanied by affidavits.

"A great deal of loose rumour and sensational statement would be thus disposed of, and a tangible basis be laid for claim for compensation by the injured parties.

"I have, &c.

(Signed)

"T. F. BAYARD.

"Hon. C. A. Boutelle,

"House of Representatives."

Mr. Boutelle has telegraphed to Eastport requesting that full and accurate sworn statements of the interference complained of be prepared and forwarded at once to the Department of State.

*Statement telegraphed to Washington.**Eastport, Maine, July 11.*

Captain Balkam, in charge of one of the American boats which were at St. Andrew's, New Brunswick, Friday night, and which were driven away by the Dominion cruiser "General Middleton," in command of Lieutenant Kent, makes the following statement: "I was lying in St. Andrew's Harbour waiting for the fishermen to seine their weirs, when the 'General Middleton' came into port. Lieutenant Kent, of the 'Middleton,' came on board my boat, and inquired if she was an American boat and if I was an American citizen. I told him I did not know whether my boat was American or not, but as for myself, I was an American citizen." "It makes no difference," he replied, "whether your boat is American or English, you have no right to purchase fish in this port, and if you do not leave, or if you attempt to buy fish, your boat will be seized." He also notified the other boatmen. Not wishing to have any trouble with the Dominion Government we all set sail, and blowing our fog horns in derision of the "General Middleton," who steered for the American shore. Collector Nutt has taken my statement and telegraphed to Washington.

No. 78.

The Earl of Rosebery to Sir L. West.

Sir,

Foreign Office, July 23, 1886.

I HAVE received your despatch of the 11th May last, inclosing a copy of a note addressed to you by Mr. Bayard, in which, whilst expressly referring to the seizure by the Canadian authorities of the American fishing-vessels "Joseph Story" and "David J. Adams," he discusses at length the present position of the North American Fisheries question.

I have also received a communication upon the same subject from the United States' Minister at this Court, dated the 2nd June last, which, although advancing arguments of a somewhat different character, is substantially addressed to the consideration of the same question.

I think it therefore desirable to reply to these two communications together in the present despatch, of which I shall hand a copy to Mr. Phelps.

The matter is one involving the gravest interests of Canada; and upon receipt of the communications above mentioned, I lost no time in requesting the Secretary of State for the Colonies to obtain from the Government of the Dominion an expression of their views thereon. I now inclose a copy of an approved Report of the Canadian Privy Council, in which the case of Canada is so fully set forth that I think it would be desirable, as a preliminary step to the further discussion of the questions involved in this controversy, to communicate a copy of it to Mr. Bayard, as representing the views of the Dominion Government; and I have to request that, in so doing, you will state that Her Majesty's Government will be glad to be favoured with any observations which Mr. Bayard may desire to make thereon.

In regard to those portions of Mr. Phelps' note of the 2nd June, in which he calls in question the competence of the Canadian authorities under existing Statutes, whether Imperial or Colonial, to effect seizures of United States' fishing-vessels under circumstances such as those which appear to have led to the capture of the "David J. Adams," I have to observe that Her Majesty's Government do not feel themselves at present in a position to discuss that question, which is now occupying the attention of the Courts of Law in the Dominion, and which may possibly form the subject of an appeal to the Judicial Committee of Her Majesty's Privy Council in England.

It is believed that the Courts in Canada will deliver Judgment in the above cases very shortly; and until the legal proceedings now pending have been brought to a conclusion, Her Majesty's Government do not feel justified in expressing an opinion upon them, either as to the facts or the legality of the action taken by the Colonial authorities.

I do not, therefore, conceive it to be at present necessary to make any specific reply to Mr. Bayard's further notes of the 11th and 12th May and 1st, 2nd, and 7th June last. But with regard to his note of the 20th May relative to the seizure of the United States' fishing-vessel "Jennie and Julia," I inclose, for communication to Mr. Bayard, a copy of a Report from the Canadian Minister of Marine and Fisheries, dealing with this case.

I cannot, however, close this despatch without adding that Her Majesty's Government entirely concur in that passage of the Report of the Canadian Privy Council, in which it is observed that "if the provisions of the Convention of 1818 have become inconvenient to either Contracting Party, the utmost that good-will and fair dealing can suggest is that the terms shall be reconsidered."

It is assuredly from no fault on the part of Her Majesty's Government that the question has now been relegated to the terms of the Convention of 1818. They have not ceased to express their anxiety to commence negotiations, and they are now prepared to enter upon a frank and friendly consideration of the whole question with the most earnest desire to arrive at a settlement consonant alike with the rights and interests of Canada and of the United States.

Where, as in the present case, conflicting interests are brought into antagonism by Treaty stipulations the strict interpretation of which has scarcely been called in question, the matter appears to Her Majesty's Government to be pre-eminently one for friendly negotiation.

I am, &c.
(Signed) ROSEBERRY.

Inclosure 1 in No. 78.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General on the 14th June, 1886.

THE Committee of the Privy Council have had under consideration a Report from the Minister of Marine and Fisheries upon the communications dated 10th and 20th May last from the Hon. Mr. Bayard, Secretary of State of the United States, to Her Majesty's Minister at Washington, in reference to the seizure of the American fishing-vessel "David J. Adams."

The Committee concur in the annexed Report, and they advise that your Excellency be moved to transmit a copy thereof to the Right Hon. the Secretary of State for the Colonies.

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

The Undersigned having had his attention called by your Excellency to a communication from Mr. Bayard, Secretary of State of the United States, dated the 10th May, and addressed to Her Majesty's Minister at Washington, and to a further communication from Mr. Bayard, dated the 20th May instant, in reference to the seizure of the American fishing-vessel "David J. Adams," begs leave to submit the following observations thereon :—

Your Excellency's Government fully appreciates and reciprocates Mr. Bayard's desire that the administration of the laws regulating the commercial interests and the mercantile marine of the two countries might be such as to promote good feeling and mutual advantage.

Canada has given many indisputable proofs of an earnest desire to cultivate and extend her commercial relations with the United States, and it may not be without advantage to recapitulate some of those proofs.

For many years before 1854 the Maritime Provinces of British North America had complained to Her Majesty's Government of the continuous invasion of their inshore fisheries (sometimes accompanied, it was alleged, with violence) by American fishermen and fishing-vessels.

Much irritation naturally ensued, and it was felt to be expedient by both Governments to put an end to this unseemly state of things by Treaty, and at the same time to arrange for enlarged trade relations between the United States and the British North American Colonies. The Reciprocity Treaty of 1854 was the result, by which were not only our inshore fisheries opened to the Americans, but provision was made for the free interchange of the principal natural products of both countries, including those of the sea. Peace was preserved on our waters, and the volume of international trade steadily increased during the existence of this Treaty, and until it was terminated in 1866, not by Great Britain, but by the United States.

In the following year Canada (then become a Dominion and united to Nova Scotia

and New Brunswick) was thrown back on the Convention of 1818, and obliged to fit out a Marine Police to enforce the laws and defend her rights, still desiring, however, to cultivate friendly relations with her great neighbour, and not too suddenly to deprive the American fishermen of their accustomed fishing grounds and means of livelihood. She readily acquiesced in the proposal of Her Majesty's Government for the temporary issue of annual licences to fish, on payment of a moderate fee. Your Excellency is aware of the failure of that scheme. A few licences were issued at first, but the applications for them soon ceased, and the American fishermen persisted in forcing themselves into our waters, "without leave or licence."

Then came the recurrence, in an aggravated form, of all the troubles which had occurred anterior to the Reciprocity Treaty. There were invasions of our waters, personal conflicts between our fishermen and American crews, the destruction of nets, the seizure and condemnation of vessels, and intense consequent irritation on both sides.

This was happily put an end to by the Washington Treaty of 1871. In the interval between the termination of the first Treaty and the ratification of that by which it was eventually replaced, Canada on several occasions pressed, without success, through the British Minister at Washington, for a renewal of the Reciprocity Treaty, or for the negotiation of another on a still wider basis.

When in 1874 Sir Edward Thornton, then British Minister at Washington, and the late Hon. George Brown, of Toronto, were appointed joint Plenipotentiaries for the purpose of negotiating and concluding a Treaty relating to fisheries, commerce, and navigation, a Provisional Treaty was arranged by them with the United States' Government, but the Senate decided that it was not expedient to ratify it, and the negotiation fell to the ground.

The Treaty of Washington, while it failed to restore the provisions of the Treaty of 1854, for reciprocal free trade (except in fish), at least kept the peace, and there was tranquillity along our shores until July 1885, when it was terminated again by the United States' Government and not by Great Britain.

With a desire to show that she wished to be a good neighbour, and in order to prevent loss and disappointment on the part of the United States' fishermen by their sudden exclusion from her waters in the middle of the fishing season, Canada continued to allow them for six months all the advantages which the rescinded Fishery Clauses had previously given them, although her people received from the United States none of the corresponding advantages which the Treaty of 1871 had declared to be an equivalent for the benefits secured thereby to the American fishermen.

The President, in return for this courtesy, promised to recommend to Congress the appointment of a Joint Commission by the two Governments of the United Kingdom and the United States to consider the Fishery question, with permission also to consider the whole state of the trade relations between the United States and Canada.

This promise was fulfilled by the President, but the Senate rejected his recommendation and refused to sanction the Commission.

Under these circumstances Canada, having exhausted every effort to procure an amicable arrangement, has been driven again to fall back upon the Convention of 1818, the provisions of which she is now enforcing and will enforce, in no punitive or hostile spirit as Mr. Bayard supposes, but solely in protection of her fisheries, and in vindication of the right secured to her by Treaty.

Mr. Bayard suggests that "the Treaty of 1818 was between two nations, the United States of America and Great Britain, who, as the Contracting Parties, can alone apply authoritative interpretation thereto, and enforce its provisions by appropriate legislation."

As it may be inferred from this statement that the right of the Parliament of Canada to make enactments for the protection of the fisheries of the Dominion, and the power of the Canadian officers to protect those fisheries, are questioned, it may be well to state at the outset the grounds upon which it is conceived by the Undersigned that the jurisdiction in question is clear beyond a doubt.

1. In the first place the Undersigned would ask it to be remembered that the extent of the jurisdiction of the Parliament of Canada is not limited (nor was that of the provinces before the Union) to the sea coast, but extends for 3 marine miles from the shore as to all matters over which any legislative authority can in any country be exercised within that space. The legislation which has been adopted on this subject by the Parliament of Canada (and previously to confederation by the provinces) does not reach beyond that limit. It may be assumed that, in the absence of any Treaty stipulation to the contrary, this right is so well recognized and established by both British and American law that the grounds on which it is supported need not be stated

ere at large, the Undersigned will merely add, therefore, to this statement of the position, that so far from the right being limited by the Convention of 1818, that Convention expressly recognizes it.

After renouncing the liberty to "take, cure, or dry fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Majesty's dominions in America," there is a stipulation that while American fishing-vessels shall be admitted to enter such bays, &c., "for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, they shall be under such restrictions as may be necessary to prevent their taking, curing, or drying fish therein, or in any other manner whatever abusing the privileges reserved to them."

2. Appropriate legislation on this subject was, in the first instance, adopted by the Parliament of the United Kingdom. The Imperial Statute 59 Geo. III, cap. 38, was enacted in the year following the Convention, in order to give that Convention force and effect. That Statute declared that, except for the purposes before specified, it should "not be lawful for any person or persons, not being a natural born subject of His Majesty, in any foreign ship, vessel, or boat, nor for any person in any ship, vessel, or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish for, or to take, dry, or cure any fish or any kind whatever within 3 marine miles of any coasts, bays, creeks, or harbours whatever, in any part of His Majesty's dominions in America, not included within the limits specified and described in the 1st Article of the said Convention, and that if such foreign ship, vessel, or boat, or any person or persons on board thereof shall be found fishing, or to have been fishing, or preparing to fish within such distance of such coasts, bays, creeks, or harbours within such parts of His Majesty's dominions in America, out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned by such and the like ways, means, and methods, and in the same Courts as ships, vessels, or boats may be forfeited, seized, prosecuted, and condemned for any offence against any laws relating to the Revenue of Customs, or the laws of trade and navigation, under any Act or Acts of the Parliament of Great Britain or the United Kingdom of Great Britain and Ireland, provided that nothing contained in this Act shall apply or be construed to apply to the ships or subjects of any Prince, Power, or State in amity with His Majesty who are entitled by Treaty with His Majesty to any privileges of taking, drying, or curing fish on the coasts, bays, creeks, or harbours, or within the limits in this Act described. Provided always, that it shall and may be lawful for any fishermen of the said United States to enter into any such bays or harbours of His Britannic Majesty's dominions in America as are last mentioned, for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever, subject nevertheless to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbours, or in any other manner whatever, abusing the said privileges by the said Treaty, and this Act reserved to them, and as shall, for that purpose, be imposed by any order or orders to be from time to time made by His Majesty in Council under the authority of this Act, and by any Regulations which shall be issued by the Governor or person exercising the office of Governor in any such parts of His Majesty's dominions in America, under or in pursuance of any such order in Council as aforesaid.

"And that if any person or persons upon requisition made by the Governor of Newfoundland, or the person exercising the office of Governor, or by any Governor in person exercising the office of Governor in any other parts of His Majesty's dominions in America, as aforesaid, or by any officer or officers acting under such Governor or person exercising the office of Governor, in the execution of any orders or instructions from His Majesty in Council, shall refuse to depart from such bays or harbours, or if any person or persons shall refuse, or neglect to conform to any Regulations or directions which shall be made or given for the execution of any of the purposes of this Act, every such person so refusing or otherwise offending against this Act shall forfeit the sum of two hundred pounds, to be recovered in the Superior Court of Judicature of the Island of Newfoundland, or in the Superior Court of Judicature of the Colony or Settlement within or near to which such offence shall be committed, or by Bill, plaint, or information in any of His Majesty's Courts of Record at Westminster, one moiety of such penalty to belong to His Majesty, his heirs, and successors, and the other moiety to such person or persons as shall sue or prosecute for the same."

The Acts passed by the provinces now forming Canada; and also by the Parliament of Canada (now noted in the margin)* are to the same effect, and may be said to be merely declaratory of the law as established by the Imperial Statute:

3. The authority of the Legislatures of the provinces, and after confederation the authority of the Parliament of Canada, to make enactments to enforce the provisions of the Convention, as well as the authority of Canadian officers to enforce those Acts, rests on well-known Constitutional principles.

Those Legislatures existed, and the Parliament of Canada now exists, by the authority of the Parliament of the United Kingdom of Great Britain and Ireland, which is one of the nations referred to by Mr. Bayard as the "Contracting Parties." The Colonial Statutes have received the sanction of the British Sovereign who, and not the nation, is actually the party with whom the United States made the Convention. The officers who are engaged in enforcing the Acts of Canada or the laws of the Empire, are Her Majesty's officers, whether their authority emanates directly from the Queen, or from her Representative, the Governor-General. The jurisdiction thus exercised cannot therefore be properly described in the language used by Mr. Bayard as a supposed and therefore questionable delegation of jurisdiction by the Imperial Government of Great Britain. Her Majesty governs in Canada as well as in Great Britain; the officers of Canada are her officers; the Statutes of Canada are her Statutes, passed on the advice of her Parliament sitting in Canada.

It is, therefore, an error to conceive that because the United States and Great Britain were, in the first instance, the Contracting Parties to the Treaty of 1818; no question arising under that Treaty can be "responsibly dealt with," either by the Parliament, or by the authorities of the Dominion.

The raising of this objection now is the more remarkable, as the Government of the United States has long been aware of the necessity of reference to the Colonial Legislatures in matters affecting their interests:

The Treaties of 1854 and 1871 expressly provide that, so far as they concerned the fisheries or trade relations with the provinces, they should be subject to ratification by their several Legislatures; and seizures of American vessels and goods, followed by condemnation for breach of the Provincial Customs Laws, have been made for forty years without protest or objection on the part of the United States' Government.

The Undersigned, with regard to this contention of Mr. Bayard, has further to observe that in the proceedings which have recently been taken for the protection of the fisheries, no attempt has been made to put any special or novel interpretation on the Convention of 1818. The seizures of the fishing-vessels have been made in order to enforce the explicit provisions of that Treaty, the clear and long-established provisions of the Imperial Statute and of the Statutes of Canada expressed in almost the same language.

The proceedings which have been taken to carry out the law of the Empire in the present case are the same as those which have been taken from time to time during the period in which the Convention has been in force, and the seizures of vessels have been made under process of the Imperial Court of Vice-Admiralty established in the provinces of Canada.

Mr. Bayard further observes that since the Treaty of 1818, "a series of Laws and Regulations affecting the trade between the North American provinces and the United States have been respectively adopted by the two countries, and have led to amicable and mutually beneficial relations between their respective inhabitants," and that "the independent and yet concurrent action of the two Governments has effected a gradual extension from time to time of the provisions of Article I of the Convention of the 3rd July, 1815, providing for reciprocal liberty of commerce between the United States and the territories of Great Britain in Europe, so as gradually to include the colonial possessions of Great Britain in North America and the West Indies within the limits of that Treaty."

The Undersigned has not been able to discover, in the instances given by Mr. Bayard, any evidence that the Laws and Regulations affecting the trade between the British North American provinces and the United States, or that, "the independent and yet concurrent action of the two Governments" have either extended or restricted the terms of the Convention of 1818, or affected in any way the right to enforce its provisions according to the plain meaning of the Articles of the Treaty; on the contrary, a reference to the XVIIIth Article of the Washington Treaty will show that the

* Dominion Acts, 31 Vict., cap. 6; 33 Vict., cap. 16; now incorporated in Revised Statutes of 1886, cap. 90. Nova Scotia Acts, Revised Statutes, 3rd series, cap. 94, 29 Vict. (1866), cap. 35. New Brunswick Acts, 16 Vict. (1853), cap. 69. Prince Edward Island Act, 6 Vict. (1843), cap. 14.

Contracting Parties made the Convention the basis of the further privileges granted by the Treaty, and it does not allege that its provisions are in any way extended or affected by subsequent legislation or Acts of Administration.

Mr. Bayard has referred to the Proclamation of President Jackson in 1830, creating "reciprocal commercial intercourse on terms of perfect equality of flag" between the United States and the British American dependencies, and has suggested that these "commercial privileges have since received a large extension, and that in some cases 'favours' have been granted by the United States without equivalent 'concession,' such as the exemption granted by the Shipping Act of the 26th June, 1884, amounting to one-half of the regular tonnage dues on all vessels from British North America and West Indies entering ports of the United States."

He has also mentioned under this head "the arrangement for the transit of goods, and the remission by Proclamation as to certain British ports and places of the remainder of the tonnage tax on evidence of equal treatment being shown" to United States' vessels.

The Proclamation of President Jackson in 1830 had no relation to the subject of the fisheries, and merely had the effect of opening United States' ports to British vessels on terms similar to those which had already been granted in British ports to vessels of the United States. The object of these "Laws and Regulations" mentioned by Mr. Bayard was purely of a commercial character, while the sole purpose of the Convention of 1818 was to establish and define the rights of the citizens of the two countries in relation to the fisheries on the British North American coast.

Bearing this distinction in mind, however, it may be conceded that substantial assistance has been given to the development of commercial intercourse between the two countries.

But legislation in that direction has not been confined to the Government of the United States, as indeed Mr. Bayard has admitted in referring to the case of the Imperial Shipping and Navigation Act of 1849.

For upwards of forty years, as has already been stated, Canada has continued to evince her desire for a free exchange of the chief products of the two countries. She has repeatedly urged the desirability of the fuller reciprocity of trade which was established during the period in which the Treaty of 1854 was in force.

The laws of Canada with regard to the registry of vessels, tonnage dues, and shipping generally, are more liberal than those of the United States. The ports of Canada in inland waters are free to vessels of the United States, which are admitted to the use of her canals on equal terms with Canadian vessels.

Canada allows free registry to ships built in the United States and purchased by British citizens, charges no tonnage or light dues on United States' shipping, and extends a standing invitation for a large measure of reciprocity in trade by her tariff legislation.

Whatever relevancy, therefore, the argument may have to the subject under consideration, the Undersigned submits that the concessions which Mr. Bayard refers to as "favours" granted by United States can hardly be said not to have been met by equivalent concessions on the part of the Dominion, and inasmuch as the disposition of Canada continues to be the same, as was evinced in the friendly legislation just referred to, it would seem that Mr. Bayard's charges of showing "hostility to commerce under the guise of protection to inshore fisheries," or of interrupting ordinary commercial intercourse by harsh measures and unfriendly administration, is hardly justified.

The questions which were in controversy between Great Britain and the United States prior to 1818 related not to shipping and commerce, but to the claims of United States' fishermen to fish in waters adjacent to the British North American provinces.

Those questions were definitely settled by the Convention of that year, and although the terms of that Convention have since been twice suspended, first by the Treaty of 1854, and subsequently by that of 1871, after the lapse of each of these two Treaties the provision made in 1818 came again into operation, and were carried out by the Imperial and colonial authorities without the slightest doubt being raised as to their being in full force and vigour.

Mr. Bayard's contention that the effect of the legislation which has taken place under the Convention of 1818, and of Executive action thereunder, would be "to expand the restrictions and renunciations of that Treaty which related solely to the inshore fishing within the 3-mile limit, so as to affect the deep-sea fisheries," and "to diminish and practically destroy the privileges expressly secured to American fishing-

vessels to visit these inshore waters for the objects of shelter and repair of damages, and purchasing wood and obtaining water," appears to the Undersigned to be unfounded. The legislation referred to in no way affects those privileges, nor has the Government of Canada taken any action towards their restriction. In the cases of the recent seizures, which are the immediate subject of Mr. Bayard's letter, the vessel seized had not resorted to Canadian waters for any one of the purposes specified in the Convention of 1818 as lawful. They were United States' fishing-vessels, and, against the plain terms of the Convention, had entered Canadian harbours. In doing so the "David J. Adams" was not even possessed of a permit "to touch and trade," even if such a document could be supposed to divest her of the character of a fishing-vessel.

The Undersigned is of opinion that while, for the reasons which he has advanced, there is no evidence to show that the Government of Canada has sought to expand the scope of the Convention of 1818 or to increase the extent of its restrictions, it would not be difficult to prove that the construction which the United States seeks to place on that Convention would have the effect of extending very largely the privileges which their citizens enjoy under its terms. The contention that the changes which may from time to time occur in the habits of the fish taken off our coasts, or in the methods of taking them, should be regarded as justifying a periodical revision of the terms of the Treaty, or a new interpretation of its provisions, cannot be acceded to. Such changes may from time to time render the conditions of the contract inconvenient to one party or the other, but the validity of the agreement can hardly be said to depend on the convenience or inconvenience which it imposes from time to time on one or other of the Contracting Parties. When the operation of its provisions can be shown to have become manifestly inequitable, the utmost that good-will and fair-dealing can suggest is that the terms should be reconsidered and a new arrangement entered into; but this the Government of the United States does not appear to have considered desirable.

It is not, however, the case that the Convention of 1818 affected only the inshore fisheries of the British provinces; it was framed with the object of affording a complete and exclusive definition of the rights and liberties which the fishermen of the United States were thenceforward to enjoy in following their vocation, so far as those rights could be affected by facilities for access to the shores or waters of the British provinces, or for intercourse with their people. It is therefore no undue expansion of the scope of that Convention to interpret strictly those of its provisions by which such access is denied, except to vessels requiring it for the purposes specifically described.

Such an undue expansion would, upon the other hand, certainly take place, if, under cover of its provisions, or of any agreements relating to general commercial intercourse which may have since been made, permission were accorded to United States' fishermen to resort habitually to the harbours of the Dominion, not for the sake of seeking safety for their vessels or of avoiding risk to human life, but in order to use those harbours as a general base of operations from which to prosecute and organize with greater advantage to themselves the industry in which they are engaged.

It was in order to guard against such an abuse of the provisions of the Treaty that amongst them was included the stipulation that not only should the inshore fisheries be reserved to British fishermen, but that the United States should renounce the right of their fishermen to enter the bays or harbours excepting for the four specified purposes, which do not include the purchase of bait or other appliances, whether intended for the deep-sea fisheries or not.

The Undersigned, therefore, cannot concur in Mr. Bayard's contention that "to prevent the purchase of bait, or any other supply needed for deep-sea fishing, would be to expand the Convention to objects wholly beyond the purview, scope, and intent of the Treaty, and to give to it an effect never contemplated."

Mr. Bayard suggests that the possession by a fishing-vessel of a permit to "touch and trade" should give her a right to enter Canadian ports for other than the purposes named in the Treaty, or, in other words, should give her perfect immunity from its provisions. This would amount to a practical repeal of the Treaty, because it would enable a United States' Collector of Customs, by issuing a licence, originally only intended for purposes of domestic Customs regulation, to give exemption from the Treaty to every United States' fishing-vessel. The observation that similar vessels under the British flag have the right to enter the ports of the United States for the purchase of supplies loses its force when it is remembered that the Convention of 1818 contained no restrictions on British vessels, and no renunciation of any privileges in regard to them.

Mr. Bayard states that in the proceedings prior to the Treaty of 1818 the British Commissioners proposed that United States' fishing-vessels should be excluded "from

carrying also merchandize," but that this proposition, "being resisted by the American negotiators, was abandoned," and goes on to say, "this fact would seem clearly to indicate that the business of fishing did not then, and does not now, disqualify vessels from also trading in the regular ports of entry." A reference to the proceedings alluded to will show that the proposition mentioned related only to United States' vessels visiting those portions of the coast of Labrador and Newfoundland on which the United States' fishermen had been granted the right to fish, and to land for drying and curing fish, and the rejection of the proposal can, at the utmost, be supposed only to indicate that the liberty to carry merchandize might exist without objection in relation to those coasts, and is no ground for supposing that the right extends to the regular ports of entry, against the express words of the Treaty.

The proposition of the British negotiators was to append to Article I the following words, "It is, therefore, well understood that the liberty of taking, drying, and curing fish, granted in the preceding part of this Article, shall not be construed to extend to any privilege of carrying on trade with any of His Britannic Majesty's subjects residing within the limits hereinbefore assigned for the use of the fishermen of the United States."

It was also proposed to limit them to having on board such goods as might "be necessary for the prosecution of the fishery or the support of the fishermen while engaged therein, or in the prosecution of their voyages to and from the fishing grounds."

To this the American negotiators objected on the ground that the search for contraband goods, and the liability to seizure for having them in possession, would expose the fishermen to endless vexation, and, in consequence, the proposal was abandoned. It is apparent, therefore, that this proviso in no way referred to the bays or harbours outside of the limits assigned to the American fishermen, from which bays and harbours it was agreed, both before and after this proposition was discussed, that United States' fishing-vessels were to be excluded for all purposes other than for shelter and repairs, and purchasing wood and obtaining water.

If, however, weight is to be given to Mr. Bayard's argument that the rejection of a proposition advanced by either side during the course of the negotiations should be held to necessitate an interpretation adverse to the tenor of such proposition, that argument may certainly be used to prove that American fishing-vessels were not intended to have the right to enter Canadian waters for bait to be used even in the prosecution of the deep-sea fisheries. The United States' negotiators in 1818 made the proposition that the words "and bait" be added to the enumeration of the objects for which these fishermen might be allowed to enter, and the proviso as first submitted had read "provided, however, that American fishermen shall be permitted to enter such bays and harbours for the purpose only of obtaining shelter, wood, water, and bait." The addition of the two last words was, however, resisted by the British Plenipotentiaries, and their omission acquiesced in by their American colleagues. It is, moreover, to be observed that this proposition could only have had reference to the deep-sea fishing, because the inshore fisheries had already been specifically renounced by the Representatives of the United States.

In addition to this evidence, it must be remembered that the United States' Government admitted, in the case submitted by them before the Halifax Commission in 1877, that neither the Convention of 1818 nor the Treaty of Washington conferred any right or privilege of trading on American fishermen. The British case claimed compensation for the privilege which had been given since the ratification of the latter Treaty to United States' fishing-vessels "to transfer cargoes, to outfit vessels, buy supplies, obtain ice, engage sailors, procure bait, and traffic generally in British ports and harbours."

This claim was, however, successfully resisted, and in the United States' case it is maintained "that the various incidental and reciprocal advantages of the Treaty, such as the privileges of traffic, purchasing bait and other supplies, are not the subject of compensation, because the Treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing laws or the re-enactment of former oppressive Statutes. Moreover, the Treaty does not provide for any possible compensation for such privileges."

Now, the existing laws referred to in this extract are the various Statutes passed by the Imperial and Colonial Legislatures to give effect to the Treaty of 1818, which, it is admitted in the said case, could at any time have been enforced (even during the existence of the Washington Treaty), if the Canadian authorities had chosen to do so.

Mr. Bayard on more than one occasion intimates that the interpretation of the Treaty and its enforcement are dictated by local and hostile feelings, and that the main question is being "obscured by partizan advocacy and distorted by the heat of local interests," and, in conclusion, expresses a hope that "ordinary commercial intercourse shall not be interrupted by harsh measures and unfriendly administration."

The Undersigned desires emphatically to state that it is not the wish of the Government or the people of Canada to interrupt for a moment the most friendly and free commercial intercourse with the neighbouring Republic.

The mercantile vessels and the commerce of the United States have at present exactly the same freedom that they have for years passed enjoyed in Canada, and the disposition of the Canadian Government is to extend reciprocal trade with the United States beyond its present limits, nor can it be admitted that the charge of local prejudice or hostile feeling is justified by the calm enforcement, through the legal Tribunals of the country, of the plain terms of a Treaty between Great Britain and the United States, and of the Statutes which have been in operation for nearly seventy years, excepting in intervals during which (until put an end to by the United States' Government) special and more liberal provisions existed in relation to the commerce and fisheries of the two countries.

The Undersigned has further to call attention to the letter of Mr. Bayard of the 20th May, relating also to the seizure of the "David J. Adams" in the Port of Digby, Nova Scotia.

That vessel was seized, as has been explained on a previous occasion, by the Commander of the Canadian steamer "Lansdowne," under the following circumstances:

She was a United States' fishing-vessel, and entered the harbour of Digby for purposes other than those for which entry is permitted by the Treaty and by the Imperial and Canadian Statutes.

As soon as practicable, legal process was obtained from the Vice-Admiralty Court at Halifax, and the vessel was delivered to the Officer of that Court. The paper referred to in Mr. Bayard's letter as having been nailed to her mast, was doubtless a copy of the warrant which commanded the Marshal or his deputy to make the arrest.

The Undersigned is informed that there was no intention whatever of so adjusting the paper that its contents could not be read, but it is doubtless correct that the officer of the Court in charge declined to allow the document to be removed. Both the United States' Consul-General and the Captain of the "David J. Adams" were made acquainted with the reasons for the seizure, and the only ground for the statement that a respectful application to ascertain the nature of the complaint was fruitless, was, that the Commander of the "Lansdowne," after the nature of the complaint had been stated to those concerned and was published, and had become notorious to the people of both countries, declined to give the United States' Consul-General a specific and precise statement of the charges upon which the vessel would be proceeded against, but referred him to his superior.

Such conduct on the part of the officer of the "Lansdowne" can hardly be said to have been extraordinary under the present circumstances.

The legal proceedings had at that time been commenced in the Court of Vice-Admiralty at Halifax, where the United States' Consul-General resides, and the officer at Digby could not have stated with precision, as he was called upon to do, the grounds on which the intervention of the Court had been claimed in the proceedings therein.

There was not, in this instance, the slightest difficulty in the United States' Consul-General and those interested in the vessel obtaining the fullest information, and no information which could have been given by those to whom they applied was withheld.

Apart from the general knowledge of the offences which it was claimed the master had committed, and which was furnished at the time of the seizure, the most technical and precise details were readily obtainable at the Registry of the Court, and from the Solicitors of the Crown, and would have been furnished immediately on application to the authority to whom the Commander of the "Lansdowne" requested the United States' Consul-General to apply. No such information could have been obtained from the paper attached to the vessel's mast.

Instructions have, however, been given to the Commander of the "Lansdowne," and other officers of the Marine Police, that, in the event of any further seizures, a statement in writing shall be given to the master of the seized vessel of the offences for which the vessel may be detained, and that a copy thereof shall be sent to the United States' Consul-General at Halifax, and to the nearest United States' Consular Agent, and there can be no objection to the Solicitor for the Crown being

instructed likewise to furnish the Consul-General with a copy of the legal process in each case, if it can be supposed that any fuller information will thereby be given.

Mr. Bayard is correct in his statement of the reasons for which the "David J. Adams" was seized and is now held. It is claimed that that vessel violated the Treaty of 1818, and, consequently, the Statutes which exist for the enforcement of that Treaty, and it is also claimed that she violated the Customs Laws of Canada of 1883.

The Undersigned recommends that copies of those Statutes be furnished for the information of Mr. Bayard.

Mr. Bayard has, in the same despatch, recalled the attention of Her Majesty's Minister to the correspondence and action which took place in the year 1870, when the Fishery question was under consideration, and especially to the instructions from the Lords of the Admiralty to Vice-Admiral Wellesley, in which that officer was directed to observe great caution in the arrest of American fishermen, and to confine his action to one class of offences against the Treaty. Mr. Bayard, however, appears to have attached unwarranted importance to the correspondence and instructions of 1870, when he refers to them as implying "an understanding between the two Governments," an understanding which should, in his opinion, at other times, and under other circumstances, govern the conduct of the authorities, whether Imperial or Colonial, to whom under the laws of the Empire is committed the duty of enforcing the Treaty in question.

When, therefore, Mr. Bayard points out the "absolute and instant necessity that now exists for a restriction of the seizure of American vessels charged with violations of the Treaty of 1818" to the conditions specified under those instructions, it is necessary to recall the fact that in the year 1870 the principal cause of complaint on the part of Canadian fishermen was that the American vessels were trespassing on the inshore fishing grounds and interfering with the catch of mackerel in Canadian waters, the purchase of bait being then a matter of secondary importance.

It is probable, too, that the action of the Imperial Government was influenced very largely by the prospect which then existed of an arrangement such as was accomplished in the following year by the Treaty of Washington, and that it may be inferred, in view of this disposition made apparent on both sides to arrive at such an understanding, that the Imperial authorities, without any surrender of Imperial or Colonial rights, and without acquiescing in any limited construction of the Treaty, instructed the Vice-Admiral to confine his seizures to the more open and injurious class of offences which were especially likely to be brought within the cognizance of the naval officers of the Imperial Service.

The Canadian Government, as has been already stated, for six months left its fishing grounds open to American fishermen, without any corresponding advantage in return, in order to prevent loss to those fishermen, and to afford time for the action of Congress, on the President's recommendation that a Joint Commission should be appointed to consider the whole question relating to the fisheries.

That recommendation has been rejected by Congress. Canadian fish is by prohibitory duties excluded from the United States' market. The American fishermen clamour against the removal of those duties, and, in order to maintain a monopoly of the trade, continue against all law to force themselves into our waters and harbours, and make our shores their base for supplies, especially for bait, which is necessary to the successful prosecution of their business.

They hope by this course to supply the demand for their home market, and thus to make Canada indirectly the means of injuring her own trade.

It is surely, therefore, not unreasonable that Canada should insist on the rights secured to her by Treaty. She is simply acting on the defensive, and no trouble can arise between the two countries if American fishermen will only recognize the provisions of the Convention of 1818 as obligatory upon them, and until a new arrangement is made, abstain both from fishing in her waters and from visiting her bays and harbours for any purposes save those specified in the Treaty.

In conclusion, the Undersigned would express the hope that the discussion which has arisen on this question may lead to renewed negotiations between Great Britain and the United States, and may have the result of establishing extended trade relations between the Republic and Canada, and of removing all sources of irritation between the two countries.

(Signed) GEORGE E. FOSTER,
Minister of Marine and Fisheries.

Inclosure 2 in No. 78.

Report.

WITH reference to a despatch from the British Minister at Washington, to his Excellency the Governor-General, dated the 21st May last, and inclosing a letter from Mr. Secretary Bayard, regarding the refusal of the Collector of Customs at Digby, Nova Scotia, to allow the United States' schooner "Jennie and Julia" the right of exercising commercial privileges at the said port, the Undersigned has the honour to make the following observations:—

It appears the "Jennie and Julia" is a vessel of about 14 tons register, that she was to all intents and purposes a fishing-vessel, and, at the time of her entry into the Port of Digby, had fishing gear and apparatus on board, and that the Collector fully satisfied himself of these facts. According to the master's declaration, she was there to purchase fresh herring only, and wished to get them direct from the weir fishermen. The Collector acted upon his conviction that she was a fishing-vessel, and as such, debarred by the Treaty of 1818 from entering Canadian ports for the purposes of trade. He, therefore, in the exercise of his plain duty, warned her off.

The Treaty of 1818 is explicit in its terms, and by it United States' fishing-vessels are allowed to enter Canadian ports for shelter, repairs, wood, and water, and "for no other purpose whatever."

The Undersigned is of the opinion that it cannot be successfully contended that a *bonâ fide* fishing-vessel can, by simply declaring her intention of purchasing fresh fish for other than baiting purposes, evade the provisions of the Treaty of 1818 and obtain privileges not contemplated thereby. If that were admitted, the provision of the Treaty which excludes United States' fishing-vessels for all purposes but the four above mentioned, would be rendered null and void, and the whole United States' fishing fleet be at once lifted out of the category of fishing-vessels, and allowed the free use of Canadian ports for baiting, obtaining supplies, and transshipping cargoes.

It appears to the Undersigned that the question as to whether a vessel is a fishing-vessel or a legitimate trader or merchant-vessel, is one of fact and to be decided by the character of the vessel and the nature of her outfit, and that the class to which she belongs is not to be determined by the simple declaration of her master that he is not at any given time acting in the character of a fisherman.

At the same time, the Undersigned begs again to observe that Canada has no desire to interrupt the long-established and legitimate commercial intercourse with the United States, but rather to encourage and maintain it, and that Canadian ports are at present open to the whole merchant navy of the United States on the same liberal conditions as heretofore accorded.

The whole respectfully submitted,

(Signed)

GEORGE E. FOSTER,

Ottawa, June 5, 1886.

Minister of Marine and Fisheries.

No. 79.

The Earl of Rosebery to Sir L. West.

Sir,

Foreign Office, July 23, 1886.

I HAVE to acknowledge the receipt of your despatch of the 30th May last, inclosing a copy of a note from Mr. Bayard, in which he protests against the provisions of a Bill recently introduced into the Canadian Parliament for the purpose of regulating fishing operations by foreign vessels in Canadian waters.

In reply I inclose an extract of a despatch from the Governor-General of Canada, containing observations on the subject.

I have to add that Her Majesty's Government entirely concur in the views expressed by the Marquis of Lansdowne in this extract, of which you will communicate a copy to Mr. Bayard, together with a copy of the present despatch.

With regard to Mr. Bayard's observations in the same note respecting a Customs Circular and a Warning issued by the Canadian authorities, and dated respectively the 7th May and the 5th March last, I have to acquaint you that these documents have now been amended so as to bring them into exact accordance with Treaty stipulations; and I

inclose, for communication to the United States' Government, printed copies of these documents as amended.

I am, &c.
(Signed) ROSEBERRY.

Inclosure 1 in No. 79.

The Marquis of Lansdowne to Earl Granville.

(Extract.)

Citadel, Quebec, June 7, 1886.

HER Majesty's Minister at Washington has been good enough to communicate to me, for my information, copy of a note received by him from the Secretary of State of the United States, in which the Bill is criticised, not so much on account of its policy, or because its introduction is regarded as inopportune and inconvenient, as upon the ground that any legislation by the Parliament of the Dominion for the purpose of interpreting and giving effect to a contract entered into by the Imperial Government is beyond the competence of that Parliament, and "an assumption of jurisdiction entirely unwarranted," and therefore "wholly denied by the United States."

Your Lordship is no doubt aware that legislation of this kind has been frequently resorted to by the Parliament of the Dominion, for the purpose of enforcing Treaties or Conventions entered into by the Imperial Government. In the present case the legislation proposed was introduced, not with the object of making a change in the terms of the Convention of 1818, nor with the intention of representing as breaches of the Convention any acts which are not now punishable as breaches of it. What the framers of the Bill sought was merely to amend the procedure by which the Convention is enforced, and to do this by attaching a particular penalty to a particular breach of the Convention after that breach had been proved before a competent Tribunal. It must be remembered that the Convention itself is silent as to the procedure to be taken in enforcing it, and that effect has accordingly been given to its provisions at different times both through the means of Acts passed, on the one side, by Congress, and, on the other, by the Imperial Parliament, as well as by the Legislatures of the British North American provinces previous to confederation, and since confederation by the Parliament of the Dominion. The right of the Dominion Parliament to legislate for these purposes, and the validity of such legislation as against the citizens of a foreign country has, as far as I am aware, not been seriously called in question. Such legislation, unless it is disallowed by the Imperial Government, becomes part of the law of the Empire.

The Government of the United States has long been aware of the necessity of reference to the Dominion Parliament in matters affecting Canadian interests, and has, I believe, never raised any objection to such reference. The Treaties of 1854 and 1871, so far as they related to the fisheries or to the commercial relations of the Dominion, were made subject to ratification by her Legislature. In the same way the Treaty under which fugitive criminals from the United States into Canada are surrendered, is carried into effect by means of a Canadian Statute. If a foreigner commits a murder in Canada he is tried, convicted, and executed by virtue of a Canadian, and not of an Imperial Act of Parliament. Seizures of goods and vessels for breaches of the local Customs law have in like manner been made for many years past without any protest, on the ground that such laws involved an usurpation of power by the Colony.

Mr. Bayard's statement that the Dominion Government is seeking by its action in this matter to "invade and destroy the commercial rights and privileges secured to citizens of the United States under and by virtue of Treaty stipulations with Great Britain," is not warranted by the facts of the case. No attempt has been made either by the authorities intrusted with the enforcement of the existing law, or by the Parliament of the Dominion to interfere with vessels engaged in *bond fide* commercial transactions upon the coast of the Dominion. The two vessels which have been seized are both of them, beyond all question, fishing-vessels and not traders, and therefore liable, subject to the finding of the Courts, to any penalties imposed by law for the enforcement of the Convention of 1818 on parties violating the terms of that Convention.

When, therefore, Mr. Bayard protests against all such proceedings as being "flagrantly violative of reciprocal commercial privileges to which citizens of the United States are lawfully entitled under Statutes of Great Britain, and the well defined and publicly proclaimed authority of both countries," and when he denies the competence of the Fishery Department to issue, under the Convention of 1818, such a paper as the "Warning," dated the 5th March, 1886, of which a copy has been supplied to your Lord-

ship, he is in effect denying to the Dominion the right of taking any steps for the protection of its own rights secured under the Convention referred to.

Inclosure 2 in No. 79.

Warning.

To all to whom it may concern.

THE Government of the United States having by notice terminated Articles XVIII to XXV, both inclusive, and Article XXX, known as the Fishery Articles of the Washington Treaty, attention is called to the following provision of the Convention between the United States and Great Britain, signed at London on the 20th October, 1818:—

“Article I. Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish, on certain coasts, bays, harbours, and creeks of His Britannic Majesty’s dominions in America, it is agreed between the High Contracting Parties, that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson’s Bay Company; and that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement, for such purpose, with the inhabitants, proprietors, or possessors of the ground.

“And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty’s dominions in America not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them.”

Attention is called to the following provisions of the Act of Parliament of Canada, cap. 61, of the Acts of 1868, intituled “An Act respecting fishing by foreign vessels.”

“2. Any commissioned officer of Her Majesty’s navy, serving on board of any vessels of Her Majesty’s navy cruising and being in the waters of Canada for purpose of affording protection to Her Majesty’s subjects engaged in the fisheries, or any commissioned officer of Her Majesty’s navy, Fishery Officer, or Stipendiary Magistrate on board of any vessel belonging to or in the service of the Government of Canada, and employed in the service of protecting the fisheries, or any officer of the Customs of Canada, Sheriff, Magistrate or other person duly commissioned for that purpose, may go on board of any ship, vessel, or boat within any harbour in Canada, or hovering (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbours in Canada, and stay on board so long as she may remain within such place or distance.

“3. If such ship, vessel, or boat be bound elsewhere, and shall continue within such harbour, or so hovering for twenty-four hours after the master shall have been required to depart, any one of such officers or persons as are above mentioned may bring such ship, vessel, or boat into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit 400 dollars; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing or preparing to fish, or to have been fishing (in British waters)

within 3 marine miles of any of the coasts, bays, creeks, or harbours of Canada, not included within the above-mentioned limits, without a licence, or after the expiration of the period named in the last licence granted to such ship, vessel, or boat under the 1st section of this Act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

“4. All goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores and cargo liable to forfeiture under this Act, may be seized and secured by any officers or persons mentioned in the 2nd section of this Act; and every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in any opposition, shall forfeit 800 dollars, and shall be guilty of a misdemeanour, and, upon conviction, be liable to imprisonment for a term not exceeding two years.”

Of all of which you will take notice and govern yourself accordingly.

(Signed) GEORGE E. FOSTER,

*Department of Fisheries,
Ottawa, March 5, 1886.*

Minister of Marine and Fisheries.

Inclosure 3 in N^o. 79.

Circular No. 371.

Sir,

Customs Department, Ottawa, May 7, 1886.

THE Government of the United States having by notice terminated Articles XVIII to XXV, both inclusive, and Article XXX, known as the Fishery Articles of the Washington Treaty, attention is called to the following provision of the Convention between the United States and Great Britain, signed at London on the 20th October, 1818:—

“Article Ist. Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty’s dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson’s Bay Company; and that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose, with the inhabitants, proprietors, or possessors of the ground.

“And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty’s dominions in America, not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them.

“Attention is also called to the following provisions of the Act of the Parliament of Canada, cap. 61, of the Acts of 1868, intituled, ‘An Act respecting fishing by foreign vessels.’

“IInd. Any commissioned officer of Her Majesty’s navy, serving on board of any vessel of Her Majesty’s navy, cruising and being in the waters of Canada for purpose of affording protection to Her Majesty’s subjects engaged in the fisheries, or any commissioned officer of Her Majesty’s navy, Fishery Officer, or Stipendiary Magistrate on board of any vessel belonging to or in the service of the Government of Canada, and employed in the service of protecting the fisheries, or any officer of the Customs

of Canada, Sheriff, Magistrate, or other person duly commissioned for that purpose, may go on board of any ship, vessel, or boat, within any harbour in Canada, or hovering (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbours in Canada, and stay on board so long as she may remain within such place or distance.

“IIIrd. If such ship, vessel, or boat be bound elsewhere, and shall continue within such harbour, or so hovering for twenty-four hours after the master shall have been required to depart, any one of such officers or persons as are above mentioned may bring such ship, vessel, or boat into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage, and if the master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit 400 dollars; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom or Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbours of Canada, not included within the above-mentioned limits, without a licence, or after the expiration of the period named in the last licence granted to such ship, vessel, or boat under the 1st section of this Act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

“IVth. All goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo liable to forfeiture under this Act, may be seized and secured by any officers or persons mentioned in the 2nd section of this Act; and every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in any opposition, shall forfeit 800 dollars, and shall be guilty of a misdemeanour, and upon conviction be liable to imprisonment for a term not exceeding two years.”

Having reference to the above, you are requested to furnish any foreign fishing-vessels, boats, or fishermen found within 3 marine miles of the shore, within your district, with a printed copy of the warning inclosed herewith.

If any fishing vessel or boat of the United States is found fishing, or to have been fishing, or preparing to fish, or if hovering within the 3-mile limit, does not depart within twenty-four hours after receiving such warning, you will please place an officer on board of such vessel, and at once telegraph the facts to the Fisheries Department at Ottawa, and await instructions.

(Signed) J. JOHNSON, *Commissioner of Customs.*

To the Collector of Customs
at

No. 80.

The Earl of Rosebery to Sir L. West.

Sir,

Foreign Office, July 23, 1886.

I HAVE received your despatch of the 15th ultimo, in which you inclose a copy of a note from Mr. Bayard, protesting against a warning alleged to have been given to United States' fishing-vessels by a Canadian Customs official, with the view to prevent them from fishing within lines drawn from headland to headland from Cape Canso to St. Esprit, and from North Cape to East Point of Prince Edward Island.

In reply, I have to request you to acquaint Mr. Bayard that Her Majesty's Government have ascertained that no instructions to this effect have been issued by the Canadian Government, but that a further Report is expected upon the subject.

It appears that the Collector at Canso, in conversation with the master of a fishing-vessel, expressed the opinion that the headland line ran from Cranberry Island to St. Esprit, but this was wholly unauthorized.

I am, &c.
(Signed) ROSEBERY.

No. 81.

The Earl of Rosebery to Mr. Phelps.

Sir,

Foreign Office, July 23, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 16th instant, inclosing a copy of a telegram from Mr. Bayard, in which he calls upon Her Majesty's

Government to put a stop to the action of Canadian authorities towards United State fishermen, which he characterizes as unjust, arbitrary, and vexatious.

Mr. Bayard further states that the readiness of the United States' Government to endeavour to come to a just and fair joint interpretation of Treaty rights and commercial privileges is ill met by persistent and unfriendly action of the Canadian authorities, which is rapidly producing a most injurious and exasperating effect.

I cannot help regretting that the tone of this communication should not have more corresponded with the conciliatory disposition of Her Majesty's Government, for the expressions which I have cited can hardly tend to facilitate a settlement of the difficult questions involved.

I beg, however, to state that the views of the Canadian Government upon the whole matter will very shortly be communicated to the United States' Government in a despatch which I have addressed to Her Majesty's Minister at Washington, in reply to the various communications which he has received from Mr. Bayard. I shall have the honour to place a copy of the despatch in question in your hands.

As regards the disposition expressed by Mr. Bayard to come to a just and fair joint interpretation of Treaty rights, Her Majesty's Government have already displayed their full readiness to negotiate on more than one occasion, and their view of Treaty rights has been explained both in my conversations with yourself and in despatches.

I trust, therefore, that this expression of the wishes of your Government, corresponding as it does so entirely with our own desire, indicates the willingness of the United States to enter as speedily as possible into definite arrangements which may lead to negotiations on a practical basis for the settlement of this question.

I have, &c.
(Signed) ROSEBERY.

No. 82.

The Earl of Rosebery to Mr. Phelps.

Sir,

Foreign Office, July 23, 1886.

IN reply to your note of the 2nd ultimo relative to the North American Fisheries question, I have the honour to transmit to you a copy of a despatch, with inclosures, which I have addressed to Her Majesty's Minister at Washington, and which contains a full statement of the views entertained by the Canadian Government on this matter.*

The points dealt with in the several communications recently received by Sir L. West from Mr. Bayard are practically the same as those discussed in your note, and I have therefore thought that the most convenient mode of replying to it would be to communicate to you a copy of the despatch which I have addressed to Her Majesty's Minister at Washington.

I need not reiterate the regret that Her Majesty's Government feel at being forced back by circumstances on the provisions of the Treaty of 1818, for I have earnestly and frequently expressed it in conversation with you. Nor need I repeat how anxious Her Majesty's Government are that by formal and friendly negotiation the questions between the two Governments with regard to Canadian fisheries should be put on a mutually satisfactory footing.

I have, &c.
(Signed) ROSEBERY.

No. 83.

Mr. Bramston to Sir J. Pauncefote.—(Received July 27.)

Sir,

Downing Street, July 26, 1886.

WITH reference to your letter of the 17th instant, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Rosebery, a copy of a telegraphic correspondence with the Governor-General of Canada relative to the detention by the Dominion authorities of the American schooner "City Point."

I am, &c.
(Signed) JOHN BRAMSTON.

* No. 73.

Inclosure 1 in No. 83.

Earl Granville to the Marquis of Lansdowne

(Telegraphic.)

Downing Street, July 21, 1886.

SECRETARY of United States has made protest in very strong terms to British Minister against proceedings in case of schooner "City Point," alleged to have been detained at Shelburne for having landed men and obtained water.

Send explanation, by telegraph, as soon as possible.

Inclosure 2 in No. 83.

The Marquis of Lansdowne to Earl Granville.

(Telegraphic.)

July 24, 1886.

"CITY POINT" committed a breach of Customs Laws by not reporting to Customs and landing part of her crew and luggage. She was detained, but on payment of a deposit of 400 dollars was subsequently released.

No. 84.

Sir J. Pouncefote to Sir R. Herbert.

Sir,

Foreign Office, July 28, 1886.

I AM directed by the Earl of Rosebery to transmit to you two despatches from Her Majesty's Chargé d'Affaires at Washington,* containing protests by Mr. Bayard against the action of the Canadian authorities in regard to United States' fishing vessels, and I am to suggest that, if Earl Granville sees no objection, a Report on the cases mentioned should be obtained from the Dominion Government with as little delay as possible.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 85.

Mr. Hardinge to the Earl of Rosebery.—(Received July 30.)

My Lord,

Washington, July 17, 1886.

WITH reference to my despatch of the 12th instant, I have the honour to transmit herewith to your Lordship copy of a note which I have received from Secretary Bayard, protesting against the action of Captain Kent, of the Dominion cruiser "General Middleton," in expelling Stephen R. Balkam from the harbour of St. Andrew's, New Brunswick, and in refusing to permit him to purchase fish, caught and sold by Canadians, for the purpose of canning as sardines.

I have, &c.

(Signed) CHARLES HARDINGE.

Inclosure in No. 85.

Mr. Bayard to Mr. Hardinge.

Sir,

Department of State, Washington, July 16, 1886.

I HAVE just received through the Honourable C. A. Boutelle, M.C., the affidavit of Stephen R. Balkam, alleging his expulsion from the harbour of St. Andrew's, New Brunswick, by Captain Kent, of the Dominion cruiser "Middleton," and the refusal to permit him to purchase fish, caught and sold by Canadians, for the purpose of canning as sardines.

The action of Captain Kent seems to be a gross violation of ordinary commercial

* Nos. 76 and 77.

privileges against an American citizen proposing to transact his customary and lawful trade, and not prepared or intending in any way to fish or violate any local law or regulation or Treaty stipulation.

I trust instant instructions to prevent the recurrence of such unfriendly and unlawful treatment of American citizens may be given to the offending officials at St. Andrew's, and reparation be made to Mr. Balkam.

I have, &c.
(Signed) T. F. BAYARD.

No. 86.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, August 2, 1886.

I AM directed by the Earl of Rosebery to transmit to you copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, inclosing a copy of a note from Mr. Bayard, protesting against the action of Captain Kent, of the Dominion cruiser "General Middleton," in refusing Stephen A. Balkam permission to buy fish from Canadians;* and I am to suggest that Earl Granville should obtain a Report on the subject from the Dominion Government.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 87.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, August 4, 1886.

WITH reference to your despatch of the 3rd ultimo, I transmit to you herewith a copy of a letter from the Colonial Office, inclosing copies of telegraphic correspondence with the Canadian Government relative to the seizure of the United States' schooner "City Point;"† and I have to request you to address a note to the Secretary of State in the sense of the Report furnished by the Dominion Government upon the circumstances of the case.

I am, &c.
(Signed) IDDESLEIGH.

No. 88.

Mr. Meade to Sir J. Pauncefote.—(Received August 6.)

Sir,

Downing Street, August 5, 1886.

WITH reference to your letter of the 28th ultimo, and to previous correspondence respecting the action of the Canadian authorities in regard to United States' fishing-vessels, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Secretary of State for Foreign Affairs, copies of a despatch and of a telegram which have been addressed to the Governor-General of the Dominion on the subject.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 88.

Earl Granville to the Marquis of Lansdowne.

My Lord,

Downing Street, July 29, 1886.

I HAVE the honour to transmit to you a copy of a letter from the Foreign Office, inclosing two despatches from Her Majesty's Chargé d'Affaires at Washington, containing

* No. 85.

† No. 83.

rotests of Mr. Bayard against the action of the authorities of the Dominion in regard to United States' fishing-vessels.

I have to request that your Government will, with as little delay as possible, furnish Her Majesty's Government with a Report on the cases referred to.

I have, &c.
(Signed) GRANVILLE.

Inclosure 2 in No. 88.

Earl Granville to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, August 2, 1886.

SEND full particulars as to United States' fishing-vessels seized or warned off, grounds of seizure or warning, and exact locality, including distance from shore of such vessels.

No. 89.

The Earl of Iddesleigh to Sir L. West.

(Extract.)

Foreign Office, August 10, 1886

THE United States' Minister called on me to-day by appointment, and stated to me at some length his views as to the present position of the Fisheries question. He gave me the history of the case from 1818, and then proceeded to say that, so far as the merits of the case were concerned, he thought there was no insuperable difficulty. There might be some question as to the 3-mile limit in bays, but this could no doubt be settled without much trouble.

As regards other matters, there was a manifest incongruity between the old provisions of 1818 and the state of things at the present day; wood, for instance, might be obtained in our ports, but coal might not. Again, there was no proper legislation to support the provisions of the Treaty. All these were matters for discussion, and there seemed no reason why we should not arrive at their settlement. But what alarmed Mr. Bayard and himself was the temper with which the dispute was being, or was likely to be, conducted. He never took up a newspaper without anxiety lest there should be a report of some collision.

In conclusion, he threw out a suggestion that we should endeavour to establish an "armistice" while the question was under discussion; that while, on the one hand, the American Government would support any action on our part against vessels actually fishing within our waters (which he was sure they would not do), we should, on the other hand, abstain from putting the Customs laws in force to prevent, by a side wind, infractions of the Treaty which our law was inadequate to restrain.

He would then be glad to see a Commission appointed to consider the whole case, and to report on the steps which could be taken.

In conclusion, he pressed on me that the Congress was to meet on the first Monday in December, and that it was most important to settle the matter before that time.

No. 90.

Mr. Hardinge to the Earl of Rosebery.—(Received August 12.)

My Lord,

Washington, July 31, 1886.

I HAVE the honour to transmit herewith to your Lordship copy of a note which I have received from Mr. Bayard, drawing my attention to an alleged infraction of the stipulations of the Treaty of the 20th October, 1818, by the Newfoundland authorities at Bonne Bay, in the case of the fishing-vessel "Thomas F. Bayard," and by the Dominion authorities at Port Amherst, Magdalen Islands, in the case of the schooner "Mascot."

I have, &c.
(Signed) CHARLES HARDINGE.

Inclosure in No. 90.

Mr. Bayard to Mr. Hardinge.

Sir,

Department of State, Washington, July 30, 1886.

IT is my duty to draw your attention to an infraction of the stipulations of the Treaty between the United States of America and Great Britain concluded on the 20th October, 1818.

By the provisions of Article I of that Convention the liberty to take fish of every kind, for ever, in common with the subjects of His Britannic Majesty, is secured to the inhabitants of the United States "on the part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands," and on the other coasts and shores in the said Article set forth.

Notwithstanding these plain provisions, I regret to be obliged to inform you that, by the affidavit of the master of the American fishing-vessel "Thomas F. Bayard," that being at Bonne Bay, which is on the western coast of Newfoundland, and within the limits specified in Article I of the Convention referred to, the master of the said vessel was formally notified by one N. N. Taylor, the officer of Customs at that point, that his vessel would be seized if he attempted to obtain a supply of fish for bait or for any other transaction in connection with fishing operations within 3 marine miles of that coast.

To avoid the seizure of his vessel, the master broke up his voyage and returned home.

I am also in possession of the affidavit of Alex. T. Vachem, master of the American fishing-schooner "Mascot," who entered Port Amherst, Magdalen Islands, and was there threatened by the Customs official with seizure of his vessel if he attempted to obtain bait for fishing or to take a pilot.

These are flagrant violations of Treaty rights of their citizens, for which the United States expect prompt remedial action by Her Majesty's Government; and I have to ask that such instructions may be issued forthwith to the provincial officials of Newfoundland and the Magdalen Islands as will cause the Treaty rights of citizens of the United States to be duly respected.

For the losses occasioned in the two cases I have mentioned, compensation will hereafter be expected from Her Majesty's Government, when the amount shall have been accurately ascertained.

I have, &c.

(Signed) T. F. BAYARD.

No. 91.

Mr. Hardinge to the Earl of Rosebery.—(Received August 12.)

My Lord,

Washington, August 2, 1886.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches to Sir L. West of the 28rd ultimo, relating to the North American Fisheries question, and to inform your Lordship that, in compliance with the instructions contained therein, I have forwarded to Mr. Bayard copies of the above-mentioned despatches, together with their inclosures.

I have, &c.

(Signed) CHARLES HARDINGE.

No. 92.

Sir J. Pauncefoot to Sir R. Herbert.

Sir,

Foreign Office, August 17, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you a copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, inclosing a copy of a note from Mr. Bayard calling attention to alleged infractions of the Convention of 1818 by the authorities at Bonne Bay, Newfoundland, and at Port Amherst, Magdalen Islands,* and

* No. 90.

I am to request that Mr. Secretary Stanhope will obtain Reports on these cases from the Colonial Governments.

In connection with the complaint thus made by the United States' Government, I am to suggest that it might perhaps be desirable to recommend the Colonial Governments to issue special instructions to the local authorities at those places where the right of inshore fishery has been granted by the Convention of 1818 to United States' fishermen, calling their attention to the provisions of that Convention, and warning them that no action contrary thereto may be taken in regard to United States' fishing-vessels.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 93.

The Earl of Iddesleigh to Mr. Hardinge.

Sir,

Foreign Office, August 18, 1886.

I HAVE received your despatch of the 31st ultimo, inclosing a copy of a note from Mr. Bayard, calling attention to alleged infractions of the Convention of 1818 by the authorities at Bonne Bay, Newfoundland, and at Port Amherst, Magdalen Islands; and I have to request you to state, in reply, that immediate inquiry shall be made into the matter with the view that the rights secured by the Convention to United States' fishermen shall in no wise be prejudiced.

I am, &c.

(Signed) IDDESLEIGH.

No. 94.

Mr. Hardinge to the Earl of Iddesleigh.—(Received August 23.)

My Lord,

Washington, August 10, 1886.

I HAVE the honour to transmit herewith to your Lordship copy of a note which I have received from the Secretary of State, drawing the attention of Her Majesty's Government to the alleged unwarrantable and unfriendly treatment experienced by the American fishing-schooner "Rattler" on the 3rd instant upon the occasion of her being driven by stress of weather to seek shelter in the harbour of Shelburne, Nova Scotia.

I have, &c.

(Signed) CHARLES HARDINGE.

Inclosure in No. 94.

Mr. Bayard to Mr. Hardinge.

Sir,

Department of State, Washington, August 9, 1886.

I REGRET that it has become my duty to draw the attention of Her Majesty's Government to the unwarrantable and unfriendly treatment, reported to me this day by the United States' Consul-General at Halifax, experienced by the American fishing-schooner "Rattler," of Gloucester, Massachusetts, on the 3rd instant, upon the occasion of her being driven by stress of weather to find shelter in the harbour of Shelburne, Nova Scotia.

She was deeply laden, and was off the harbour of Shelburne when she sought shelter in a storm, and cast anchor just inside the harbour's entrance.

She was at once boarded by an officer of the Canadian cutter "Terror," who placed two men on board.

When the storm ceased, the "Rattler" weighed anchor to proceed on her way home, when the two men placed on board by the "Terror" discharged their pistols as a signal, and an officer from the "Terror" again boarded the "Rattler," and threatened to seize the vessel unless the captain reported at the Custom-house.

The vessel was then detained until the captain reported at the Custom-house, after which she was permitted to sail.

The hospitality which all civilized nations prescribe has thus been violated, and the stipulations of a Treaty grossly infringed.

A fishing-vessel, denied all the usual commercial privileges in a port, has been compelled strictly to perform commercial obligations.

In the interests of amity, I ask that this conduct may be properly rebuked by the Government of Her Majesty.

I have, &c.
(Signed) T. F. BAYARD.

No. 95.

Mr. Meade to Sir J. Pauncefote.—(Received August 26.)

Sir,

Downing Street, August 25, 1886.

WITH reference to the letter from this Department of the 5th instant respecting the action of the Canadian authorities in regard to fishing-vessels of the United States, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Governor-General of Canada, giving the particulars relating to such vessels seized or warned which were asked for by the telegram, a copy of which accompanied my letter above referred to.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 95.

The Marquis of Lansdowne to Earl Granville.

(Extract.)

Citadel, Quebec, August 4, 1886.

I HAD the honour of receiving your Lordship's telegram of the 2nd instant, requesting me to supply you with full particulars of all United States' fishing-vessels which had been seized or warned off by the fisheries police of the dominion, of the grounds for such seizures or warnings, and of the exact locality in which they had taken place, with especial reference to the distance from the shore of such vessels at the time when they were seized or warned.

In regard to seizures, I have ascertained that the only cases have been the following :—

1. The "David J. Adams," seized at Digby, Nova Scotia, on the 7th May last.
2. The "Ella M. Doughty," of Portland, Maine, seized at Englishtown, Nova Scotia, on the 17th May last.
3. The "City Point," seized at Shelburne, Nova Scotia, on the 2nd July last.
4. The "George W. Cushing" and the "C. B. Harrington," both of which vessels were seized at Shelburne on the 3rd July. Copies of the seizure Reports which contain all the information of which my Government is possessed relative to these seizures are inclosed herewith.

The circumstances under which the "D. J. Adams" was seized have been already explained at some length in my previous despatches. This vessel is still detained, and awaits trial before the Vice-Admiralty Court.

Particulars with regard to the "Ella M. Doughty" were given in my despatch of the 26th May. This vessel has been released, her owners having deposited the sum of 3,000 dollars.

The "City Point," "George W. Cushing," and "C. B. Harrington" were released upon deposit of 400 dollars each, that being the amount of the penalty to which they were liable under section 29 of "The Customs Act of 1883," which they had contravened.

I also inclose, for your Lordship's information, copies of the Boarding Books of the Government Fisheries protection vessels "Lansdowne," "Critic," "F. E. Conrad," "Terror," "General Middleton," and "L. Howlett." In the large majority of cases where vessels have been warned or ordered to leave Canadian waters the vessel was boarded in harbour, and it has been thought sufficient to give the name of the harbour by way of a description of the locality. In the few cases in which vessels appear to have been boarded outside a port or harbour, in which cases no seizure was made or attempted, and a simple warning given in accordance with the terms of the Circular, of which your Lordship has already seen a copy, it has, I understand, not been thought necessary to instruct the officers in command of the police vessels to mark the locality with greater

exactness than by giving the name of the port or harbour off or near which the vessel was boarded.

In the case of vessels actually seized, the Reports contain much fuller information as to the locality.

I may mention in explanation of the fact, that the Returns of some of the police vessels have not been brought down to a more recent date; that these vessels are ordered not to come into port more than once a week, and then only if they can be spared from their cruising ground.

I have given directions that your Lordship is to be from time to time supplied with further information in regard to any seizures or warnings which may hereafter take place.

Inclosure 2 in No. 95.

Port of Digby, N.S.

ON the 7th day of May, 1886, I, Botsford Viets, a Collector in Her Majesty's Customs, duly appointed and sworn as such, did detain the following described vessel, to wit, the fishing-schooner "David J. Adams," of Gloucester, in the United States of America, of the burden of 66 tons, or thereabouts, commanded by Captain Allen Kenney, owner not known, of the probable value of 3,000 dollars, for an infraction of the Revenue Laws of the Dominion of Canada, that is to say, for having come from a port out of Canada and entered Digby Gut and anchored in the Annapolis Basin, near Digby, in the Province of Nova Scotia, not making a Report in writing to the proper officer of the arrival and voyage of the vessel, as required by section 25; wherefore the said vessel became liable to detention for a penalty under the provisions of the Act 46 Vict., cap. 12, secs. 25 and 29. The said vessel being to the best of my knowledge and belief the property (unknown), whose Post-office address is unknown, and at the time of this detention in the possession or custody of Allen Kenney, at Digby, in the County of Digby, N.S., whose Post-office address is unknown. The circumstances which led to the detention were the following, viz. :—

On or about the 5th instant, the "David J. Adams" entered Digby Gut, and on the 6th instant bought four barrels fresh herrings, on the 7th anchored off Bear Island at a place known as the Half-tide Weir. Afterwards the vessel changed her berth and sailed further along the shore. On the 7th instant, Captain P. A. Scott, R.N., of Dominion Government's steam-ship "Lansdowne," boarded her, and she subsequently, on the same day, came to anchor off Digby. Information was derived from a person or persons not connected with the Customs service in Canada.

Assistance was rendered in making said detention by other officers in Her Majesty's Customs, viz. :—

Delivery made of the said detention to the Collector of Customs at Digby on the 7th day of May, 1886.

At the date hereof the said vessel has not been claimed.

The said reputed or supposed owner, _____, in such circumstances as to be able to pay the penalty fixed by law for the said contravention thereof, and _____ been heretofore guilty of a similar offence.

Dated at Digby, this 15th day of May, 1886.

(Signed) B. VIETS.

Port of Shelburne.

On the 2nd day of July, 1886, I, W. W. Atwood, a Collector of Customs in Her Majesty's Customs, duly appointed and sworn as such, did seize the following described vessel, to wit, schooner "City Point," of Portland, 59 tons, Stephen Keene, master, fishing schooner, of the probable value of 5,000 dollars, for an infraction of the Revenue Laws of the Dominion of Canada, that is to say, for having filled water and allowing seamen to land at their homes with their luggage, &c., without first reporting inwards at custom-house; wherefore the said schooner "City Point" became liable to a penalty under the provisions of the Act 46 Vict., cap. 12, sec. 29. The said schooner "City Point" being to the best of my knowledge and belief the property of some person or persons to me unknown, whose Post-office address is Portland, Maine, and at the time of this seizure in the possession or custody of Stephen Keene, master, at Shelburne, Nova Scotia, whose Post-office address is Portland, Maine. The circumstances which led to the seizure were as follows, viz. :—

The schooner was discovered by Captain Quigley, of Dominion cutter "Terror," at

anchor 6 miles below Shelburne Town. The master had allowed part of crew to land at their homes, taking their luggage, &c., with them; also had filled water, and failed to report at custom-house until after vessel brought up by captain of cutter. Information was the cause of seizure, and was derived from a person or persons connected with the Customs service of Canada.

Assistance was rendered in making said seizure by other officers in Her Majesty's Customs, viz., Captain Quigley, of Dominion cutter "Terror."

Delivery made of the said _____ to the Collector of Customs at _____, on the _____ day of _____, 188 _____.

At the date hereof, the said vessel has been released, the amount of 400 dollars fine having been deposited with the Collector of Customs at Halifax.

The said reputed or supposed owner, _____, in such circumstances as to be able to pay the penalty fixed by law for the said contravention thereof, and been heretofore guilty of a similar offence.

Dated at Shelburne, this 16th day of July, 1886.

(Signed) W. W. ATWOOD, *Collector*.

Port of Shelburne.

On the 3rd day of July, 1886, I, W. W. Atwood, a Collector of Customs in Her Majesty's Customs, duly appointed and sworn as such, did seize the following described vessels, to wit, American fishing-schooner "George W. Cushing," 61 tons, C. B. Jewitt, master, and the "C. B. Harrington," 21 tons, John Frellick, master, both of and direct from Portland, of the probable value of 7,000 dollars, for an infraction of the Revenue Laws of the Dominion of Canada, that is to say, for having allowed seamen to land, and masters on shore seeking to buy bait, without first reporting at custom-house; wherefore the said vessels became liable to a penalty under the provisions of the Act 46 Vict., cap. 12, sec. 29, the said vessels being, to the best of my knowledge and belief, the property of some person or persons to me unknown, whose Post-office address is Portland, Maine, and at the time of this seizure in the possession or custody of Captains C. B. Jewitt and John Frellick, at Shelburne, N.S., whose Post-office address is Portland, Maine. The circumstances which led to the seizure were as follows, viz.:—

The vessels were discovered on the 2nd instant by Captain Quigley, of Dominion cutter "Terror," at anchor about 8 miles below Shelburne Town, some of the men and the masters of vessels on shore seeking to buy bait. Masters did not report until vessels brought up next morning by Captain Quigley. Master of "Cushing" had also been at the port of Yarmouth, seeking bait before arriving here, and failed to report at custom-house. Information was the cause of seizure, and was derived from a person or persons connected with the Customs service of Canada.

Assistance was rendered in making said seizure by other officers in Her Majesty's Customs, viz., Captain Quigley, of Dominion cutter "Terror."

Delivery made of the said _____ to the Collector of Customs at _____, on the _____ day of _____, 188 _____.

At the date hereof the said vessels have been released, the amount of penalty, 400 dollars for each vessel, having been deposited with the Collector of Customs at Halifax.

The said reputed or supposed owner, _____, in such circumstances as to be able to pay the penalty fixed by law for the said contravention thereof, and been heretofore guilty of a similar offence.

Dated at Shelburne, this 16th day of July, 1886.

(Signe) W. W. ATWOOD, *Collector*.

Copy of Boarding Book of Government Fisheries Protection Schooner "Critic," cruising between

and

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Vessels.	Name of Vessels and Owner.		Tonnage.		Port of Registry.	When and where Boarded.		By whom Boarded.	Remarks.	
	Owner.	Master.	Tons.	Men.		Date.	Place.			
Cecil H. Low	Benj. Low	A. McKenzie	75	16	Gloucester	1886 July 4	Souris	Captain	Just from home. No fish. Lost seine boat.	
Henrin Wood	Geo. Norwood and Son	H. McEachern	84	16	"	"	"	"	Just from home. No fish.	
A. H. Harding	A. C. Adams	A. C. Adams	61	16	"	"	"	"	Ditto.	
Edward Rich	R. W. Freeman	Jno. Newell	74	16	Welfield	July 6	Malpeque	"	Ditto.	
R. S. Newcomb	Albt. E. Linnel	A. F. Linnel	66	14	Provincetown	"	"	"	Caught no fish.	
Nellie N. Howe	Ebin Lewis	Ebin Lewis	79	17	Gloucester	"	"	"	Caught 70 barrels.	
Orient	Chas. Lee	Chas. Lee	89	16	"	"	"	"	Cruizing since June 21, 50 barrels.	
Ellen W. Sawyer	J. W. Sawyer	J. Orchard	103	18	Portland	"	"	"	Just from home. No fish.	
William M. Gaffney	Jos. Smith	Jas. W. Thomas	70	16	Gloucester	"	"	"	No fish.	
May Flower	Cunningham and Thompson	J. McKinnon	108	16	"	"	"	"	Caught 20 barrels fish.	
Morning Star	T. L. Mayo	P. P. Smith	76	15	Boston	"	"	"	Just arrived. No fish.	
Ossipee	Cunningham and Thompson	J. Johnson	69	14	Gloucester	"	"	"	Caught 35 barrels.	
Moro Castle	McKenzie and Harding	Edwin Joyce	88	17	"	"	"	"	Caught 80 barrels.	
Martha C.	L. Whalen	T. Cunningham	75	16	"	"	"	"	No fish. Only arrived two days ago.	
Molly Adams	Sol. Jacobs	S. Jacobs	117	17	"	"	"	"	250 barrels fish, caught in bay.	
Andrew Burnham	Debatts and Daggett	N. F. Blake	84	17	Boston	July 7	Casumpeque	"	Fishing three weeks. 120 barrels.	
Fannie Belle	W. B. Coombs	F. Hall	82	17	Gloucester	"	"	"	Fishing four weeks. 30 barrels.	
Harry G. French	J. W. Campbell	J. W. Campbell	95	16	"	"	"	"	Caught 85 barrels off North Cape.	
Charles H. Kelly	S. N. Mayo	C. Sprague	65	15	Boston	"	"	"	Caught 120 barrels.	
Waterfall	J. W. Sawyer	Albt. Long	70	16	Portland	"	"	"	No fish yet.	
Leona	W. G. Poole	W. G. Poole	95	16	Gloucester	"	"	"	300 barrels fish.	
G. P. Whitman	B. A. Williams	B. A. Williams	89	16	"	"	"	"	275 barrels fish, off North Cape.	
Julia Ella	Burns and Co.	J. Burns	43	14	"	"	"	"	No fish. Cruizing two days.	
Martha Bradley	S. Smith	J. F. Vautier	72	17	Friendship	"	"	"	140 barrels, off North Cape.	
John S. McQuinn	J. S. McQuinn	Chas. Martin	77	16	Gloucester	"	"	"	Fifteen days out. Caught 20 barrels.	
Samuel R. Crane	J. McDonald	Owen Whitman	74	17	"	"	"	"	Four weeks out. Caught 50 barrels.	
Howard Holebrook	Oaks and Foster	Chas. Keene	90	16	"	"	"	"	Two weeks out. 20 barrels fish.	
Edward E. Webster	Solomon Jacobs	S. Huddier	91	16	"	"	"	"	One week out. 30 barrels fish.	
Eleana Boynton	W. Parsons	Geo. Martin	84	16	"	"	"	"	Three weeks out. 300 barrels fish.	
Pioneer	L. Whalen	J. F. Crichett	62	15	"	"	"	"	Just arrived. No fish yet.	
A. R. Crittenden	Isaac Steele	J. Graham	81	16	"	"	"	"	70 barrels, off North Cape.	
Eliza Thompson	C. D. Thompson	E. S. Bibber	88	16	Portland	"	"	"	12 barrels. Out two days.	
Centennial	D. C. Babson	A. McRae	110	17	Gloucester	"	"	"	Two weeks out. 17 barrels fish.	

Copy of Boarding Book of Government Fisheries Protection Schooner "Lansdowne," cruising between
and

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Name of Vessels and Owner.			Tonnage.		Port of Registry.	When and where Boarded.		By Whom Boarded.	Remarks.
Vessels.	Owner.	Master.	Tons.	Men.		Date.	Place.		
J. B. Putnam ..	David Crowell ..	Chas. Rudolf ..	76	14	Salem, Massachusetts	1886. Mar. 26	Pubnico ..	J. B. Hill ..	On fishing voyage. In for water, &c. Got his bait in Gloucester.
David ..	Jno. F. Wanson ..	Jas. L. Kenny ..	..	14	Gloucester, Massachusetts	" 26	Argyle ..	" ..	No one on board.
Frank William ..	W. E. Wanson ..	G. Malone ..	63	15	" ..	" 27	Barrington ..	" ..	For West Bank, had bait from home.
J. B. Putnam ..	D. Crowell ..	Chas. Rudolf ..	76	14	Salem ..	" 28	Shelburne ..	" ..	In for shelter and water.
Lenobia ..	Geo. Steele ..	D. Morrissey ..	76	14	Gloucester	" 29	Pubnico ..	" ..	In for shelter.
A. J. Doucan ..	" ..	W. E. Morrissey ..	83	14	" ..	" 29	" ..	" ..	Captain and crew belong to Pubnico.
Knight Templar ..	" ..	Leander Jamieson ..	69	14	" ..	" 29	" ..	" ..	Captain on shore.
Plymouth Rock ..	" ..	J. D. Morrissey ..	92	14	" ..	" 29	" ..	" ..	Come in for shelter. Had bait from home. Ordered out.
Satellite ..	E. Woodyly ..	L. Hawkins ..	20	7	Eastport ..	Apr. 15	Beaver Harbour ..	" ..	In to change her register. Owner belongs to Beaver Harbour.
Northern Light ..	Geo. E. Proctor ..	J. Patterson ..	53	12	Gloucester	" 23	Shelburne ..	" ..	Lost main-topmast, came in for repairs. Sail as soon as possible.
Electric Light ..	" ..	" ..	15	3	" ..	" 23	Clark's Harbour ..	" ..	Lobster smack.
Falcon ..	A. Taylor ..	— Malone ..	68	14	" ..	" 28	St. Andrew's Bay ..	" ..	In seeking for bait. Owners ordered them to buy bait in Canadian waters. Ordered them off. They left immediately.
Conie E. Jaywood ..	M. Saywood ..	W. Phillips ..	59	11	" ..	" 28	" ..	" ..	Say that owners gave them orders to buy bait in Canadian waters. Ordered them off. They went immediately.
Pioneer ..	C. Whalen ..	J. Crockett ..	62	12	" ..	" 28	" ..	" ..	Seized for a violation of the Customs Laws and Fishery Acts.
Athstockley ..	G. Norwood ..	A. Olsen ..	83	14	" ..	" 28	" ..	" ..	Ordered him to leave.
David J. Adams ..	Jesse Lewis ..	A. Kenny ..	66	13	" ..	May 7	Digby ..	" ..	In for wood and water. Ordered her to sea.
Horace Albert ..	J. Smith ..	J. W. Rowe ..	65	12	" ..	" 8	" ..	" ..	Ordered her to sea.
Zenobia ..	Geo. Steele ..	D. Morrissey ..	75	14	" ..	" 18	Pubnico ..	" ..	Come in for repairs. Bound for Sand Banks.
Knight Templar ..	" ..	Leander Jamieson ..	69	14	" ..	" 18	" ..	" ..	In for water; had a sick man on board.
Conductor ..	T. Haskell ..	E. Chapman ..	69	14	" ..	June 2	" ..	" ..	Boarded when about on limits.
J. G. Craig ..	Cush and McKay ..	J. Webber ..	73	18	Portland ..	" 19	Liverpool ..	" ..	
Mollie Adams ..	Sol. Jacobs ..	S. Jacobs ..	117	17	Gloucester	July 3	Richmond Harbour, P.E.I.	" ..	

Name of Vessels and Owner.			Tonnage.		Port of Registry.	When and where Boarded.		By whom Boarded.	Remarks.
Vessels.	Owner.	Master.	Tons.	Men.		Date.	Place.		
R. T. Newcombe..	S. Linell ..	— Linell ..	66	14	Gloucester ..	1886. July 3	Richmond Harbour, P. E. I.	J. B. Hill ..	} All in for shelter.
Fanny Bell ..	W. B. Coome ..	F. H. Hall ..	31	17	" ..	July 7	"	" ..	
H. G. Froame ..	J. W. Campbell and Co. ..	J. Chisholm ..	95	16	" ..	"	"	" ..	
H. A. Woods ..	G. Norwood and Son ..	H. McAckern ..	84	16	" ..	"	"	" ..	
E. A. Thomas ..	C. D. Thomas ..	C. D. Thomas ..	..	..	Portland ..	"	"	" ..
W. J. Crosby ..	F. Carroll ..	F. Carroll ..	107	17	Gloucester ..	"	"	" ..	
W. S. Smith ..	A. M. Smith ..	L. Jewitt ..	109	17	Portland ..	"	"	" ..	
Mollie Adams ..	S. Jacobs ..	S. Jacobs ..	117	17	Gloucester ..	"	"	" ..	
Nellie W. Long ..	E. Lewis ..	E. Lewis ..	79	17	" ..	"	"	" ..	
Martha C. ..	L. Whalen ..	A. W. Cunningham ..	75	16	" ..	"	"	" ..	
M. Casile ..	..	..	..	..	..	"	"	" ..
Leona ..	..	..	..	..	Gloucester ..	"	"	" ..
C. H. Low ..	..	..	..	..	" ..	"	"	" ..
Orient ..	..	..	..	..	" ..	"	"	" ..
E. W. Sawyer ..	..	..	..	..	" ..	"	"	" ..
Mary Fluor ..	..	..	..	..	Portland ..	"	"	" ..
			..	..	Gloucester ..	"	"	" ..

COPY of Boarding Book of Government Fisheries Protection Schooner "Terror," cruising between Shelburne and Shag Harbour.

Name of Vessels and Owner.			Tonnage.		Port of Registry.	When and where Boarded.		By whom Boarded.	Remarks.
Vessels.	Owner.	Master.	Tons.	Men.		Date.	Place.		
Elisha Crowell ..	Dan Allan of Gloucester	Captain John Case .	67	14	Gloucester ..	1886. July 27	Sand Point	..	Called for stores and water. Ordered him to Shelburne to report to Customs. He did so, and immediately went to sea again. Ordered her to sea.
John Wanson ..	Doty Wanson ..	— Wanson ..	55	10	..	June 16	Shelburne	..	..
Northern Star ..	J. O. Proctor ..	F. J. Patterson ..	53	8	..	" 19	Sand Point	..	..
J. G. Craig ..	Cushing and Mackenzie ..	Captain Webber ..	73	10	Portland, Maine ..	" 22	Liverpool	..	..
May, C. Gloster ..	C. Cunningham ..	L. Whalan ..	56	12	Gloucester ..	" 23	"	..	Ordered her to sea. She went, and left one dory and one man behind.
Sarah E. Lee ..	Pool and Gardner ..	— Thompson ..	74	14	" ..	" 28	"	..	Ordered to sea. Son sick with diphtheria.
City Point ..	..	..	..	12	Portland, Maine ..	July 3	Sand Point	..	Ordered to sea. Sailed at 4 next morning.
George W. Cushing ..	C. B. Jewett and H. Williams	..	..	..	Portland ..	" 3	McNutt's Island	..	..
C. B. Herrington .	Chas. H. Day ..	— Feltens ..	21	5	" ..	" 3	Cape Roseway	..	Buying lobsters.
Thomas B. Rackett	Captain Rackett ..	— Rackett ..	35	6	Greenport, L. I. ..	" 7	Sand Point	..	..

Copy of Boarding Book of Government Fisheries Protection Schooner "General Middleton," cruising between and

Name of Vessels and Owner.			Port of Registry.	Tonnage.		When and where Boarded.		By whom Boarded.	Remarks.
Vessels.	Owner.	Master.		Tons.	Men.	Date.	Place.		
Gracie Ann	J. O. Grady..	Captain Lewis	Eastport, Maine ..	4	1	1886.	Red Head Cove ..	W. H. Kent ..	Lobster boat bound for Eastport.
Sarah E. Hyde ..	J. Murphy ..	J. Murphy	Friendship, Maine .	34	4	May 29	Wragton's Island ..	" ..	Lobster boat bound for Boston.
Richard S. Newcomb	Captain Lemiell	Captain Lemiell	Provincetown ..	94	16	June 18	Little River Tuskct.	" ..	A seiner. No fish. Bound to Bay Chaleur.
St. Plonnet	..	Captain C. H. Forbes	Eastport, Maine ..	..	..	June 19	St. Andrew's Bay..	..	Reported to be on trial trip.
Everitt Steele ..	..	..	Gloucester ..	..	..	July 8	Pubnico ..	..	Called for water.
						June 30			

Copy of Boarding Book of Government Fisheries Protection Schooner "L. Howlett," cruising between and

Name of Vessels and Owner.			Port of Registry.	Tonnage.		When and where Boarded.		By whom Boarded.	Remarks.
Vessels.	Owner.	Master.		Tons.	Men.	Date.	Place.		
Ossipee	Cunningham and Thompson	John Johnson	Gloucester	68	16	1886.	Malpeque	C. M. Lorway.	In for shelter.
Morning Star	G. S. Mayo ..	P. P. Smith	Boston ..	76	15	July	"	"	Ditto.
Robin Hood	A. Mansfield	A. C. Burnham	Gloucester	88	16	"	"	"	Ditto.
Moro Castle	McKenzie, Harding, and Co.	E. Joyce	"	88	17	"	"	"	Ditto.
S. S. Novelty	H. B. Joyce..	H. B. Joyce	Portland	197	35	"	Off Tignish	"	In for medical aid.
Samuel R. Crane..	John McDonough	Owen Whitten	Gloucester	74	17	"	"	"	In for water.
Hattie Evelyn	J. A. Cromwell	J. A. Cromwell	"	66	15	"	"	"	Ditto.
S. S. Novelty	H. B. Joyce	H. B. Joyce	Portland	197	35	"	"	"	Short of coal. In for wood.
Lizzie Smith	N. B. Rich ..	Thomas Newcome.	Wellfleet	77	16	"	Cascumpcque	"	In for shelter.
Cecil H. Low	Benj. Low ..	A. McKenzie	Gloucester	75	16	"	Malpeque	"	Ditto.
Eliza A. Thomas..	C. D. Thomas	E. S. Bibber	Portland	88	16	"	"	"	Ditto.
A. H. Harding ..	George Norwood	A. C. Adams	Gloucester	61	16	"	"	"	Ditto.
Chs. H. Kelley ..	S. N. Mayo ..	C. E. Sprague	Boston ..	65	15	"	"	"	Ditto.

Name of Vessels and Owner.				Tonnage.		Port of Registry.	When and where Boarded.		By whom Boarded.	Remarks.
Vessels.	Owner.	Master.		Tons.	Men.		Date.	Place.		
Molly Adams ..	Sol. Jacobs ..	Sol. Jacobs ..	..	117	17	Gloucester	1886. July 6	Malpeque	C. M. Lorway ..	In for shelter.
Warren J. Crosby ..	Frank Carrol ..	Frank Carrol ..	..	107	17	"	" 6	"	" ..	Ditto.
Nellie N. Rowe ..	E. Lewis ..	E. Lewis ..	..	79	17	"	" 6	"	" ..	In for shelter and repairs.
Orient ..	Chas. Lee ..	Chas. Lee ..	..	89	16	"	" 6	"	" ..	In for shelter.
W. Gafney ..	Joseph Smith ..	J. W. Thomas ..	..	70	16	"	" 6	"	" ..	Ditto.
W. Gafney ..	Joseph Smith ..	J. W. Thomas ..	..	70	16	"	June 28	Mulgrave	" ..	In for shelter and water.
Martha C. ..	L. Whalen ..	T. W. Cunningham ..	..	75	16	"	" 28	"	" ..	Ditto.
Samuel R. Crane ..	John McDonough ..	Owen Whitten ..	..	74	17	"	" 29	Souris, P. E. I.	" ..	In for repairs.
Ossipec ..	Cunningham and Thompson ..	John Johnson ..	..	68	16	"	" 29	"	" ..	In for shelter.
Thomas F. Bayard ..	J. McDonald ..	J. McDonald ..	..	96	14	"	July 1	"	" ..	Seeking bait, and in for shelter.
H. G. French ..	J. W. Campbell ..	John Chisholm ..	..	95	16	"	" 6	Malpeque	" ..	In for shelter.
Margaret S. Smith ..	A. M. Smith ..	L. W. Jewett ..	..	109	17	Portland	" 6	"	" ..	Ditto.
Ellen W. Sawyer ..	J. W. Sawyer ..	John Orchard ..	..	103	16	"	" 6	"	" ..	Ditto.
May Flower ..	Cunningham and Thompson ..	J. A. McKinnon ..	..	108	16	Gloucester	" 6	"	" ..	Ditto.
Susie Hooper ..	D. Allan and Son ..	J. F. Signerth ..	..	73	12	"	May 29	Sand Point	" ..	Ditto.
Annie M. Jordan ..	Rowe and Jordan ..	A. Haynes ..	..	61	14	"	June 11	Canso ..	" ..	Ditto.
G. P. Whitman ..	Andrew Leighton ..	B. A. Williams ..	..	89	16	"	" 15	White Haven	" ..	Ditto.
W. D. Daisley ..	J. Gorman and Co. ..	J. Gorman ..	..	93	16	"	" 26	Hawkesbury	" ..	Ditto.
William Tell ..	Ambrose White ..	J. H. Gilley ..	..	61	11	Bucksport	" 27	"	" ..	In for repairs.
Girtie May ..	C. A. Gupte ..	J. Doughty ..	..	66	14	Portland	" 28	Mulgrave	" ..	Seeking bait.
Nellie N. Rowe ..	E. Lewis ..	E. Lewis ..	..	79	17	Gloucester	" 28	"	" ..	In for shelter and water.
Centennial ..	D. C. and H. Babson ..	— McGray ..	..	110	16	"	" 28	"	" ..	Ditto.
Orient ..	Charles Lee ..	Charles Lee ..	..	89	16	"	" 28	Hawkesbury	" ..	Ditto.
John S. McQuin ..	John S. McQuin ..	Chas. Martin ..	..	77	16	"	" 28	"	" ..	Ditto.

Sir J. Pauncefote to Mr. Meade.

Sir,

Foreign Office, August 26, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Chargé d'Affaires at Washington,* inclosing a copy of a protest by Mr. Bayard against alleged unfriendly treatment of the United States' fishing schooner "Rattler" in Shelburne Harbour; and I am to request that a Report on the subject may be obtained from the Dominion Government.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

Sir L. West to the Earl of Iddesleigh.—(Received August 30.)

My Lord,

Washington, August 18, 1886.

I HAVE the honour to transmit herewith to your Lordship copy of a note which I have received from the Secretary of State protesting against the action of the officer of the Canadian schooner "E. F. Conrad" in forbidding the master of the American schooner "Golden Hind" to enter the Bay of Chaleur for the purpose of renewing his supply of fresh water at that place.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 97.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, August 17, 1886.

AN affidavit has been filed in this Department by Reuben Cameron, master of the American schooner "Golden Hind," of Gloucester, Massachusetts, setting forth that on or about the 23rd July ultimo, being out of water, he attempted to put into Port Daniel, Bay of Chaleur, to obtain a fresh supply; that at the entrance of the bay, about 4 or 5 miles from land, the "Golden Hind" was boarded by an officer from the Canadian schooner "E. F. Conrad," and by him ordered not to enter the Bay of Chaleur; that said officer furnished Captain Cameron with a printed "Warning," with this indorsement written thereon: "Don't enter the Bay of Chaleur, Nova Scotia;" and that in consequence of said act of the Canadian officer, the "Golden Hind" was obliged to go across to Tignish, Prince Edward Island, to obtain water, whereby his fishing venture was interfered with and loss and injury caused to the vessel and her owners.

I have the honour to protest against this act of officers of Her Britannic Majesty as not only distinctly unfriendly and contrary to the humane usage of civilized nations, but as in direct violation of so much of Article I of the Convention of 1818 between the United States and Great Britain as secures for ever to American fishermen upon the British North American coast admission to the bays or harbours thereof for the purpose of obtaining water. And for all loss or injury which may be shown to have accrued by reason of the act in question, the Government of Her Britannic Majesty will be held justly liable.

I have further the honour to ask, with all earnestness, that the Government of Her Britannic Majesty will cause steps to be forthwith taken to prevent and rebuke acts so violative of Treaty and of the common rights of hospitality.

I have, &c.

(Signed) T. F. BAYARD.

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No. 98.

Sir L. West to the Earl of Iddesleigh.—(Received August 30.)

My Lord,

Washington, August 18, 1886.

I HAVE the honour to inclose herewith to your Lordship copy of a despatch which, in conformity with the instructions contained in your Lordship's despatch of the 4th instant, I have addressed to the United States' Government relative to the seizure of the American schooner "City Point" at Shelburne, Nova Scotia.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure in No. 98.

Sir L. West to Mr. Bayard.

Sir,

Washington, August 18, 1886.

WITH reference to your note of the 2nd ultimo, reporting to me the detention of the American schooner "City Point," of Portland, Maine, by the Canadian authorities at the port of Shelburne, Nova Scotia, and protesting against their action in so doing, I have the honour to inform you, in accordance with instructions which I have received from Her Majesty's Government, that the master of the schooner "City Point" committed a breach of the Customs Laws of the Dominion by not reporting to Custom, and landing part of the crew and baggage.

The vessel in question was subsequently released on deposit of 400 dollars.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

No. 99.

Mr. Meade to Sir J. Pouncefote.—(Received August 30.)

Sir,

Downing Street, August 28, 1886.

I AM directed by Mr. Secretary Stanhope to acknowledge the receipt of your letter of the 17th instant, inclosing copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, with a note from Mr. Bayard calling attention to alleged infractions of the Convention of 1818 by the authorities of Canada and Newfoundland at the Magdalen Islands and Bonne Bay respectively.

On the receipt of your letter Mr. Stanhope telegraphed to the Officers administering the Governments of Canada and Newfoundland calling attention to these cases and explaining that, under the Treaty of 1818, United States' fishermen have the right to fish off the coasts of the Magdalen Islands and off certain coasts of Newfoundland, and stating that it was presumed that the Customs officials in those places had not been instructed in same way as on other parts of the coast.

But from the inclosed despatch recently received from the Governor of Newfoundland, and from the inclosed telegraphic correspondence, it would appear that such has been the case in that Colony.

I am now to inclose, for the information of the Earl of Iddesleigh, a copy of a despatch which has been addressed to the Officers administering the Governments of Canada and Newfoundland respectively upon this subject.

I am, &c.

(Signed)

R. H. MEADE.

Inclosure 1 in No. 99.

Mr. Stanhope to Governor Sir G. W. Des Vœux.

(Extract.)
(Telegraphic.)

July 29, 1886.

REFERRING to your telegram of the 10th June, newspaper reports warning Notice has been given to American fishing-boat by Customs officer, Bonne Bay. Send explanation by telegraph.

Inclosure 2 in No. 99.

Governor Sir G. W. Des Vœux to Earl Granville.

(Extract.)
(Telegraphic.)

July 30, 1886.

DESPATCH by mail, explaining that fishery Notice merely to maintain protest. Action will not be taken this year in any case, not at all without Order in Council under Act of Parliament 59 Geo. III, chap. 38. Attorney-General in England will explain.

Inclosure 3 in No. 99.

Governor Sir G. W. Des Vœux to Earl Granville.

My Lord,

Government House, Newfoundland, August 2, 1886.

WITH reference to your Lordship's telegram, received by me on the 29th ultimo, requesting explanation as to a newspaper report of a warning Notice having been served on American fishermen at Bonne Bay (to which message I replied on the following day), I have the honour to report that a Circular, with form of Notice inclosed (copy of each of which is annexed) has been forwarded to the various public officers stationed on the coasts of this island.

2. In so far as has at present been reported, the warning has as yet been served on only one vessel, which left at once on its receipt.

3. As stated in my telegraphic message, there is no intention on the part of this Government to follow up the Notice by an action this year in any case, or at any time, without the sanction of Her Majesty's Government, conveyed by Order in Council.

4. The Government believe that the Notice will act to a certain extent as a deterrent, and will serve as evidence that this Colony does not acquiesce in the assumption by American fishermen of a privilege to which they have no right.

5. This being the sole subject of the Notice, the subject did not strike me as of sufficient importance to deserve a separate Report. Now, however, that a newspaper account of the matter has, I find, caused apprehension of serious results, I take blame to myself for not having supplied your Lordship with early information.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 4 in No. 99.

*Circular.**Colonial Secretary's Office, St. John's, Newfoundland,
June 17, 1886.*

Sir,

IN view of the attempts of United States' fishermen to obtain fishery supplies on our coasts, contrary to the provisions of the Convention of 1818, the Government have ordered that the various Customs officers, immediately upon hearing of the arrival of any United States' fishing-vessel in ports within their jurisdiction, shall serve the master thereof with a letter warning him of his infraction of the Treaty.

To facilitate you in this matter, I inclose you printed copies of a letter which it will be only necessary to date, sign, and address.

You will please report to me the names of all captains, with the names and tonnage and port of their vessel, to whom you may send this letter.

I have, &c.

(Signed) J. W. WITHERS, *pro Colonial Secretary.*

Inclosure 5 in No. 99.

Form of Notice.

Sir,

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I AM instructed to give you notice that the presence of your vessel in this port is in violation of the Articles of the International Convention of 1818 between Great Britain and the United States, in relation to fishery rights on the coast of Newfoundland, and of the Laws in force in this country for the enforcement of the Articles of the Convention, and that the purchase of bait or ice, or other transaction in connection with fishery operations, within 3 miles of the coasts of this Colony, will be in further violation of the terms of said Convention and Laws.

I am, &c.

*Officer of Customs at**Captain**Schooner*

Inclosure 6 in No. 99.

Governor Sir G. W. Des Vœux to Mr. Stanhope.

(Telegraphic.)

Newfoundland, August 24, 1886.

I FIND that mistake with regard to the American rights was committed, but corrected three weeks ago by order to discontinue Notices on coasts referred to in Convention of 1818. I am informed that Notices have been reported as served in only two cases. Details will be forwarded by mail.

Inclosure 7 in No. 99.

Mr. Stanhope to the Officer Administering the Government of Canada and Governor Sir G. W. Des Vœux.

Sir,

Downing Street, August 25, 1886.

*[WITH reference to your despatch of the 2nd instant] I have the honour to transmit to you a copy, received through the Foreign Office, of a despatch from Her Majesty's Chargé d'Affaires at Washington, with a note from Mr. Bayard, calling attention to alleged infractions of the Convention of 1818 by the authorities of Canada and Newfoundland at the Magdalen Islands and Bonne Bay respectively.

In my telegram of the 21st instant I drew your attention to the case at the Magdalen Islands [Bonne Bay], and I pointed out that United States' fishermen have the right under the Convention of 1818 to fish off the coasts of the Magdalen Islands [certain parts of the coast of Newfoundland, including the west coast].

I have now to request that your Government will furnish me with a full Report upon the subject of Mr. Bayard's complaint, so far as it relates to the action of the Canadian authorities [authorities of Newfoundland].

Her Majesty's Government would recommend that special instructions should be issued to the authorities at those places where the inshore fishery has been granted by the Convention of 1818 to United States' fishermen, calling their attention to the provisions of that Convention, and warning them that no action contrary thereto may be taken in regard to United States' fishing-vessels.

I have, &c.

(Signed) E. STANHOPE.

No. 100.

The Earl of Iddesleigh to Mr. Phelps.

Sir,

Foreign Office, September 1, 1886.

HER Majesty's Government have been anxiously considering what further action they can take in the present state of the Canadian Fisheries question to advance matters

* To Newfoundland only.

towards the friendly and equitable solution so much desired by both Governments, and I beg now to offer the following observations in order to explain the difficulties which present themselves.

There are two distinct issues involved. The one relates to the precise limits of the Treaty rights of American fishermen in Canadian waters; the other to the legality of the measures adopted by the Canadian authorities (having regard to the existing legislation) against certain American fishing-vessels for an alleged violation of Treaty.

Both those issues are at the present time *sub judice* in the Canadian Courts, and it is not improbable that they will be carried before the competent Tribunal of Appeal in this country.

If the ultimate decision should be favourable to the views of your Government as regards the interpretation of the Treaty of 1818 the principal question will be disposed of, and, if the decision should be adverse to those views, it will not preclude further discussion between the two Governments and the adjustment of the question by diplomatic action. But it is clearly right, and according to practice and precedent, that such diplomatic action should be suspended during the completion of the judicial inquiry.

In the present case, however, there is every reason to desire that the two Governments, without awaiting the result of the judicial proceedings, should allay the popular feeling which these differences have excited in both countries, by an attempt to effect such an equitable revision of the Treaty as may reconcile conflicting interests.

With this view my predecessor addressed a despatch to Her Majesty's Minister at Washington, containing a Report from the Canadian Government on all the points involved, and instructed him to communicate it to your Government, and to invite their friendly observations upon that document, in the hope that such an interchange of views might lead to some basis of negotiation.

No reply has been received by Her Majesty's Government to that communication, but assurances have repeatedly been exchanged between the two Governments of their desire to come to an arrangement.

The hopes which were entertained at one time of a settlement on a broad and comprehensive basis by means of a new Commercial Treaty were unfortunately frustrated by the rejection of the proposal for a Joint Commission.

It may be, however, that a more restricted basis might be acceptable to your Government, such, for instance, as an arrangement limited entirely to the fishery interests.

It is evident that the great desire of both Governments to arrive at an equitable arrangement cannot be attained unless they are both prepared to make some concessions.

The nature of the concessions which it would be in the power of this country to make with reference to the Canadian fisheries are well known; but Her Majesty's Government, who have naturally been in constant communication with the Dominion Government on this question, are quite unable to make any proposal to them of the nature contemplated, unless they are informed to what extent the United States' Government are disposed to meet them in the way of concession.

Her Majesty's Government therefore earnestly hope that the Government of the United States may find themselves able to view the position in the light in which I have placed it before you, and by a frank declaration of the nature of the benefits which they are prepared to offer on their side to facilitate the efforts of Her Majesty's Government to take some immediate action towards the settlement of this most important and urgent question.

I have, &c.
(Signed) IDDESLEIGH.

No. 101.

Sir L. West to the Earl of Iddesleigh.—(Received September 3.)

My Lord,

Washington, August 19, 1886.

I HAVE the honour to transmit herewith to your Lordship copy of a note which I have received from the Secretary of State informing me of the causes of complaint alleged by the masters of several American fishing-vessels against Captain Quigley, of the Canadian cruiser "Terror."

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 101.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, August 18, 1886.

GRAVE cause of complaint is alleged by the masters of several American fishing-vessels, among which can be named the schooners "Shiloh" and "Julia Ellen," against the hostile and outrageous misbehaviour of Captain Quigley, of the Canadian cruiser "Terror," who, upon the entrance of these vessels into the harbour of Liverpool, Nova Scotia, fired a gun across their bows to hasten their coming-to, and placed a guard of two armed men on board each vessel, who remained on board until the vessels left the harbour.

In my note to your Legation of the 9th instant I made earnest remonstrance against another unfriendly act of Captain Quigley, against the schooner "Rattler," of Gloucester, Massachusetts, which, being fully laden and on her homeward voyage, sought shelter from stress of weather in Shelburne Harbour, Nova Scotia, and was there compelled to report at the custom-house, and have a guard of armed men kept on board.

Such conduct cannot be defended on any just ground, and I draw your attention to it in order that Her Britannic Majesty's Government may reprimand Captain Quigley for his unwarranted and rude act.

It was simply impossible for this officer to suppose that any invasion of the fishing privileges of Canada was intended by these vessels under the circumstances.

The firing of a gun across their bows was a most unusual and wholly uncalled-for exhibition of hostility, and equally so was the placing of armed men on board the peaceful and lawful craft of a friendly neighbour.

I have, &c.
(Signed) T. F. BAYARD.

No. 102.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, September 4, 1886.

I HAVE received your despatch of the 19th ultimo, inclosing a copy of a note from Mr. Bayard calling attention to causes of complaint alleged by masters of several United States' fishing-vessels against Captain Quigley, of the Canadian cruiser "Terror;" and I have to acquaint you, in reply, that steps have been taken to obtain a Report from the Dominion Government on the subject.

I am, &c.
(Signed) IDDESLEIGH.

No. 103.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, September 4, 1886.

WITH reference to Mr. Hardinge's despatch of the 31st July last, inclosing a copy of a note from Mr. Bayard calling attention to alleged infractions of the Convention of 1818 by the authorities at Bonne Bay, Newfoundland, and at Port Amherst, Magdalen Islands, I transmit to you herewith a copy of a letter from the Colonial Office, with its inclosures on this question;* and I have to request that you will address a communication to Mr. Bayard, showing the steps which have been taken in the matter in consequence of the protest of the United States' Government.

I am, &c.
(Signed) IDDESLEIGH.

Sir P. Currie to Sir R. Herbert.

Sir,

Foreign Office, September 4, 1886

I AM directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Minister at Washington, inclosing a copy of a note from the United States' Secretary of State calling attention to causes of complaint alleged by the masters of several United States' fishing-vessels against Captain Quigley, of the Canadian cruiser "Terror;"* and I am to request that a Report on the subject may be obtained from the Dominion Government.

I am, &c.

(Signed)

P. CURRIE.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, September 6, 1886.

I HAVE received your despatch of the 18th ultimo, inclosing a copy of a note from Mr. Bayard protesting against the action of the officer of the Canadian schooner "E. F. Conrad" with regard to the United States' schooner "Golden Hind;" and I have to request that you will state to Mr. Bayard that immediate inquiry shall be made into the matter with the view of preventing any infractions of the rights secured to United States' vessels by Treaty.

I am, &c.

(Signed)

IDDESLEIGH.

Sir P. Currie to Sir R. Herbert.

Sir,

Foreign Office, September 6, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Minister at Washington, inclosing a copy of a note from Mr. Bayard protesting against the action of the officer of the Canadian schooner "E. F. Conrad," in forbidding the master of the United States' schooner "Golden Hind" to enter the Bay of Chaleur for the purpose of renewing his supply of fresh water at that place.†

The warning off of the vessel under the circumstances stated would appear to be a distinct breach of the Convention of 1818, and Lord Iddesleigh would therefore suggest that the Canadian Government should be requested to furnish with the least possible delay a Report on the case.

Lord Iddesleigh further suggests, for the consideration of Mr. Stanhope, that in calling for the Report in question, it would be highly desirable to add that Her Majesty's Government earnestly hope the Dominion Government will take prompt steps to prevent any infractions of the Convention on their side, and that if the facts stated by Mr. Bayard are correct, steps will be at once taken by the Dominion Government to reprimand the officials concerned.

I am, &c.

(Signed)

P. CURRIE.

* No. 101.

† No. 97.

No. 107.

Sir R. Herbert to Sir J. Pauncefote.—(Received September 13.)

Sir, *Downing Street, September 11, 1886.*
 I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch, with its inclosures, from the Governor-General of Canada, relative to the seizure of the "Ella M. Doughty."

I am, &c.
 (Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 107.

Governor-General the Marquis of Lansdowne to Earl Granville.

My Lord, *Citadel, Quebec, August 5, 1886.*
 I HAVE the honour to forward, for your Lordship's information, copies of the papers relative to the seizure of the United States' fishing-schooner "Ella M. Doughty."

I have, &c.
 (Signed) LANSDOWNE.

Inclosure 2 in No. 107.

Mr. Graham to Mr. Burbidge.

Sir, *Halifax, August 5, 1886.*
 I RECEIVED your telegram to-day as follows:—
 "Please send me to-day copy of Collector of Customs affidavit in *re* 'Doughty' seizure."
 The only affidavit made by the Collector of Customs is the affidavit to lead warrant, which is very brief, and contains no particulars of fact, the Admiralty Rules only requiring that it should state the nature of the claim. I therefore forward, in addition to this, the other documents enumerated below, as they may contain some information required by you. Inclosed herewith are:—

1. Affidavit of Daniel G. McAskill and Donald J. Morrison, 18th May, 1886.
2. Affidavit of Angus Morrison, 31st May, 1886.
3. Affidavit of Donald McRitchie, 31st May, 1886.
4. Statement of Torquell McLean.
5. Statement of Donald J. Morrison, 31st May, 1886.
6. Statement of Daniel G. McAskill, 31st May, 1886.
7. Copy of affidavit of Lauchlin G. Campbell to lead warrant, "*Regina v. 'Ella M. Doughty.'*"
8. Copy of plaintiff's Petition, "*Reg. v. 'Ella M. Doughty.'*"

Yours, &c.
 (Signed) WALLACE GRAHAM.

We, Daniel G. McAskill and Donald J. Morrison, of Englishtown, do solemnly swear that we sold, on the 12th day of March, 1886, 1,400 herring, at 25 cents per 100, and on the 13th, 3 barrels, more or less, at 1 dollar per barrel, to schooner "Ella M. Doughty."

(Signed) DAN. G. McASKILL.
 D. J. MORRISON.

Sworn to before me, this 18th day of May, 1886.
 (Signed) D. MCAULAY, *Deputy Collector.*

I, Angus Morrison, Englishtown, make the following statements, and say :—

That I was aboard schooner "Ella M. Doughty," with Torquell McLean, selling 500 herring for 30 cents per 100. I did not sell any myself. The captain and crew were warning us not to tell. The day before this day the crew were ashore, wanting me to take herring aboard in night-time. They were talking about the trading licence, but they did not know whether it was good or not.

I, Angus Morrison, do solemnly swear that the above statements are true and correct in all their particulars.

(Signed) ANGUS MORRISON.

I, the Undersigned, certify that the above Angus Morrison made the statements, and swore to them, before me, this 31st day of May, 1886.

(Signed) D. McAULAY, *Deputy Collector*.

I, Donald McRitchie, went aboard schooner "Ella M. Doughty" on the 12th day of May, 1886, and took aboard with me 900 herring, which the captain bought from me, and gave me 2 dol. 25 c. for them.

Captain of schooner "Ella M. Doughty" wished me to keep it quite secret. While I was about leaving, Donald McInnes, Daniel G. McAskill, and Donald J. Morrison came aboard. I solemnly swear that the above statements are correct, so help me God.

(Signed) DONALD McRITCHIE.

I, the Undersigned, certify that the above statements were made before me, and sworn to, on the 31st day of May, 1886.

(Signed) D. McAULAY, *Deputy Collector*.

I, Torquell McLean, and Angus Morrison, went aboard schooner "Ella M. Doughty" on the 13th May, and sold herring; and there was aboard Donald McInnes, Donald J. Morrison, and Daniel G. McAskill.

This statement made in presence of Daniel Morrison and Daniel McLean.

Torquell McLean refuses to sign this or swear to it; says it is true.

(Signed) D. McAULAY, *Deputy Collector*.

I, Donald J. Morrison, was in the boat on the 12th day of May, 1886, with Daniel G. McAskill and Donald McInnes, when the dory of the schooner "Ella M. Doughty" met us coming home, with nets and herring; the crew told us to clean nets and take herring aboard, and captain would buy them when we were in vessel. We saw aboard Torquell McLean and Donald McRitchie. They seemed to be very much afraid that they would be seized. Second day we went aboard: Torquell McLean and Angus Morrison (little) had left schooner "Ella M. Doughty," and they commenced cleaning net. The said Torquell McLean and Angus Morrison went aboard with herring when cleaned out of nets, and we saw the herring taken out of boat into the vessel "Ella M. Doughty." While aboard they saw some men ashore, and they asked us if they were Customs officers.

We got 25 cents per 100 for 1,400 first day, and 3 dollars for the lot which we had the second day, 13th instant, which was 3 barrels, more or less.

(Signed) DONALD J. MORRISON, his × mark.

Englishtown, May 31, 1886.

I, the Undersigned, certify that the above statement was made before me, this 31st day of May, 1886.

(Signed) D. McAULAY, *Deputy Collector*.

When I, D. G. McAskill, and D. J. Morrison and Donald McInnes, were coming home on the 12th May instant, 1886, with nets with herring in and not taken out of net, a dory met us that came from the schooner "Ella M. Doughty," and asked us if we had herring to sell. D. McInnes told them we had about 1,000 herring. They told us to get herring out of nets and go aboard, and they would buy them. They seemed to be afraid of being seized, as they (the crew) of vessel told us not to report them ashore. When we were aboard, Donald McRitchie, Eel Cove, was aboard. Torquell McLean was

aboard after D. McRitchie left schooner "Ella M. Doughty." We were aboard when Torquell McLean put bait aboard said schooner "Ella M. Doughty."

Second Day.

We went to said schooner and had about 3 barrels of herring, more or less, and captain said he had no change, but would give 3 dollars for the lot. Torquell McLean and Angus Morrison were then on board, but let the vessel go, and commenced taking herring out of net, and they went aboard again, and sold the herring to captain, but I did not see them receive any payment. When we counted herring first day we had 1,400, and we got 25 cents per 100.

(Signed) DAN. G. McASKILL.

Englishtown, May 31.

I, the Undersigned, do certify that the above statement was made in my presence.

(Signed) D. McAULAY, *Deputy Collector.*

IN THE VICE-ADMIRALTY COURT OF HALIFAX.

Her Majesty the Queen, Plaintiff, against the Ship or Vessel "Ella M. Doughty" and her Cargo.

Action for forfeiture of the said vessel and her cargo for violation of a certain Convention between His late Majesty George III, King of the United Kingdom of Great Britain and Ireland, of the one part, and the United States of America of the other part, made on the 20th day of October, 1818, and for violation of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the fifty-ninth year of the reign of His late Majesty George III, King of the United Kingdom of Great Britain and Ireland, being chapter 38 of the Acts of the said last-named Parliament made and passed in the said year.

Also for forfeiture of the said vessel and her cargo for violation of chapter 61 of the Acts of the Parliament of the Dominion of Canada, made and passed in the year 1868, and of chapter 15 of the Acts of the said Parliament, passed and made in the year 1870, and of chapter 23 of the Acts of the said Parliament, made and passed in the year 1871.

I, Lauchlin G. Campbell, of Baddeck, in the County of Victoria and Province of Nova Scotia, Collector of Customs, make oath and say as follows:—

1. That the Honourable John S. D. Thompson, Her Majesty's Attorney-General for the Dominion of Canada, claims, on behalf of Her Majesty the Queen, to have the said ship or vessel "Ella M. Doughty" and her cargo condemned to Her Majesty the Queen for violation of a certain Convention between His late Majesty George III, King of the United Kingdom of Great Britain and Ireland, of the one part, and the United States of America of the other part, made and signed at London, in Great Britain, on the 20th day of October, in the year of our Lord 1818, and also for violation of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the fifty-ninth year of the reign of His late Majesty George III, King of the United Kingdom of Great Britain and Ireland, being chapter 38 of the Acts of the said Parliament, made and passed in the said year, and being intituled "An Act to enable His Majesty to make Regulations with respect to the taking and curing of fish in certain parts of the coasts of Newfoundland and Labrador, and His said Majesty's other possessions in North America, according to a Convention made between His Majesty and the United States of America."

The said Honourable John S. D. Thompson, Her Majesty's Attorney-General for the Dominion of Canada, also claims, on behalf of Her Majesty the Queen, to have the said ship "Ella M. Doughty" and her cargo condemned as forfeited to Her Majesty the Queen for violation of chapter 61 of the Acts of the Parliament of the Dominion of Canada, made and passed in the year 1868, and intituled "An Act respecting fishing by foreign vessels," and for violation of chapter 15 of the Acts of the Parliament of the Dominion of Canada, made and passed in the year 1870, and intituled "An Act to amend the Act respecting fishing by foreign vessels," and for violation of chapter 23 of the Acts of the Parliament of the Dominion of Canada made and passed in the year 1871, and intituled "An Act further to amend the Act respecting fishing by foreign vessels."

The said ship "Ella M. Doughty" is a foreign vessel, and not navigated according to the laws of the United Kingdom of Great Britain and Ireland or of the Dominion of

Canada, and is registered in the United States of America, and is owned by foreigners residing in the said United States of America.

I further make oath and say that the aid of this Court is required to enforce the said claim.

I am the Collector of Customs at Baddeck aforesaid.

(Signed)

ALEX. TAYLOR.

LAUCLIN GEO. CAMPBELL.

On the 25th day of May, A.D. 1886, the said Lauchlin George Campbell was duly sworn to the truth of this affidavit at Baddeck, in the County of Victoria and Province of Nova Scotia, before me,

, Collector of Customs.

A Commissioner duly appointed to administer oaths in the Vice-Admiralty Court of Halifax.

IN THE VICE-ADMIRALTY COURT OF HALIFAX.

Her Majesty the Queen, Plaintiff, against the Ship or Vessel "Ella M. Doughty" and her Cargo.

Action for forfeiture of the said vessel and her cargo for violation of a certain Convention between His late Majesty George III, King of the United Kingdom of Great Britain and Ireland, of the one part, and the United States of America of the other part, made on the 20th day of October, 1818. And for violation of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the fifty-ninth year of the reign of His late Majesty George III, King of the United Kingdom of Great Britain and Ireland, being chapter 38 of the Acts of the said last-named Parliament, made and passed in the said year. Also for forfeiture of the said vessel and her cargo for violation of chapter 61 of the Acts of the Parliament of the Dominion of Canada, made and passed in the year 1868, and of chapter 15 of the Acts of the said Parliament, passed and made in the year 1870, and of chapter 23 of the Acts of the said Parliament, made and passed in the year 1871.

Writ issued on the 20th day of May, A.D. 1886.

1. A certain Convention between His late Majesty George III, King of the United Kingdom of Great Britain and Ireland, and the United States of America, was made and signed at London on the 20th day of October, 1818, and by the 1st Article thereof, after reciting that differences had arisen respecting the liberty claimed by the said United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it was agreed between the High Contracting Parties that the inhabitants of the said United States should have for ever in common with the subjects of His Britannic Majesty the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, creeks, and harbours from Mount Joly on the southern coast of Labrador to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen should also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland thereabove described and of the coast of Labrador; but so soon as the same or any portion thereof should be settled, it should not be lawful for the said fishermen to dry and cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the said United States thereby renounce for ever any liberty theretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Majesty's dominions in America, not included within the above-mentioned limits; provided, however, that the American fishermen should be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they should be under such restrictions as might be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges thereby reserved to them.

2. That a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland was made and passed in the fifty-ninth year of the reign of His late Majesty King George III, being chapter 38 of the Acts of the said Parliament, made and passed in the fifty-ninth year of the reign of His said late Majesty King George III, and being intituled "An Act to enable His Majesty to make Regulations with respect to the taking and curing of fish on certain parts of the coasts of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a Convention made between His Majesty and the United States of America."

3. That on the 29th day of March, A.D. 1867, a certain other Act of the Parliament of the United Kingdom of Great Britain and Ireland was made and passed, being chapter 3 of the Acts of the said Parliament passed in the thirtieth and thirty-first years of the reign of Her present Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, and being intituled "An Act for the union of Canada, Nova Scotia, and New Brunswick, and the Government thereof, and for purposes connected therewith," which said Act is cited and known as "The British North America Act, 1867."

4. That a certain Act of the Parliament of Canada was made and passed in the thirty-first year of the reign of Her said Majesty Queen Victoria, being chapter 61 of the Acts of the said Parliament made and passed in the year 1866, and being intituled "An Act respecting fishing by foreign vessels."

And a certain other Act of the Parliament of Canada was made and passed in the thirty-third year of the reign of Her said Majesty Queen Victoria, being chapter 15 of the Acts of the said Parliament made and passed in the year 1870, and being intituled "An Act to amend the Act respecting fishing by foreign vessels." And in the thirty-fourth year of the reign of Her said Majesty Queen Victoria, a certain other Act of the said Parliament of Canada was made and passed, being chapter 23 of the Acts of the said Parliament made and passed in the year 1871, and being intituled "An Act further to amend the Act respecting fishing by foreign vessels."

5. That the said Convention and the said several Acts hereinbefore mentioned were and are still in full force and effect.

6. The harbour of St. Anns, situate in the County of Victoria, in the Province of Nova Scotia, together with its outlet to the Bay of St. Anns, and also the said Bay of St. Anns, all hereinbefore designated as the bay and harbour of St. Anns, are a portion of the dominions in America formerly of His late Majesty George III, King of the United Kingdom of Great Britain and Ireland, and now of Her Majesty Queen Victoria, Queen of the United Kingdom of Great Britain and Ireland, not included or lying on that part of the southern coast of Newfoundland which extends to Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, or on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isl , and thence northwardly indefinitely along the coast.

7. That the said ship "Ella M. Doughty," whereof one Warren A. Doughty, who was not a natural-born subject of Her Majesty, was or is master, is a foreign ship or vessel not navigated according to the laws of the United Kingdom of Great Britain and Ireland or according to the laws of Canada, but was and is a ship of the United States of America, owned by foreigners, that is to say, by persons residing in and being citizens of the United States of America, where the said ship or vessel was built and enrolled, and the said ship or vessel, "Ella M. Doughty," was at the time hereinafter mentioned licensed and permitted to carry on the fisheries under and in pursuance of the Acts of the United States of America, and was engaged in the prosecution of the fisheries and on a fishing voyage, and was and is without a licence to fish, or any licence whatsoever in that behalf from the Government of Canada or of Nova Scotia, under the Statutes of Canada or of Nova Scotia in that behalf.

8. Between the 10th and the 17th days of May, 1886, the said Warren A. Doughty, the master of the said ship or vessel "Ella M. Doughty," and the officers and crew of the said ship or vessel "Ella M. Doughty," did in and with the said ship or vessel "Ella M. Doughty" enter into the bay and harbour of St. Anns aforesaid within 3 marine miles of the shores of the said bay and harbour of St. Anns, and within 3 miles of the coasts, bays, creeks, and harbours of those portions of the dominions in America of His said late Majesty King George III, being now the dominions in America of Her Majesty Queen Victoria, not included within the limits specified and defined in the said 1st Article of the said Convention, and set out and recited in the first paragraph hereof, for the purpose of procuring bait, that is to say, herrings wherewith to fish, and ice for the preservation on board said vessel of bait to be used in fishing, and of fresh

fish to be fished for, taken and caught, by and upon the said vessel, and by the master, officers, and crew thereof, and did procure such bait wherewith to fish, and such ice for the purposes aforesaid, and did so enter for other purposes than the purpose of shelter or repairing damages or of purchasing wood or of obtaining water, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo were thereupon seized within 3 marine miles of the coasts or shores of the said bay and harbour of St. Anns, by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for breach or violation of the said Convention and of the said several Acts.

9. The said Warren A. Doughty, the master of the said ship or vessel "Ella M. Doughty," and the officers and crew of the said ship or vessel "Ella M. Doughty," did between the 10th and 17th days of May, 1886, and subsequently in the said ship or vessel "Ella M. Doughty," in the bay and harbour of St. Anns aforesaid, and while he and they and the said ship or vessel "Ella M. Doughty" were within 3 marine miles of the coasts or shores of the said bay and harbour of St. Anns, and within 3 marine miles of the coasts, shores, bays, creeks, and harbours of those portions of the dominions in America of His said late Majesty King George III, being now the dominions in America of Her Majesty Queen Victoria, not included within the limits specified and defined in the said 1st Article of the said Convention, and set out and recited in the said first paragraph hereof, fish for fish and take fish, and did dry and cure fish, and were preparing to fish within the meaning of the said Convention and of the said several Acts hereinbefore mentioned, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo were thereupon seized within 3 marine miles of the coasts or shores of the said bay and harbour of St. Anns by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for violation of the said Convention and of the said several Acts.

10. The said Warren A. Doughty, the master of the said ship or vessel "Ella M. Doughty," and the officers and crew of the said ship or vessel "Ella M. Doughty," were, between the said 10th and 17th days of May, 1886, and subsequently in the said ship or vessel "Ella M. Doughty," in the bay and harbour of St. Anns aforesaid, and while he and they and the said ship or vessel "Ella M. Doughty" were within 3 marine miles of the coasts or shores of the said bay and harbour of St. Anns, and within 3 marine miles of the coasts, shores, bays, creeks, and harbours of those portions of the dominions in America of His late Majesty King George III, being now the dominions in America of Her Majesty Queen Victoria, not included within the limits specified and defined in the said 1st Article of the said Convention, and set out and recited in the first paragraph hereof, preparing to fish within the meaning of the Convention and of the several Acts hereinbefore mentioned contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo were thereupon seized within 3 marine miles of the coasts or shores of the said bay and harbour of St. Anns by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for breach or violation of the said Convention and of the said several Acts.

11. Between the said 10th and 17th days of May, 1886, and subsequently, in the said bay and harbour of St. Anns, within 3 marine miles of the shores thereof, and within 3 marine miles of the coasts, bays, creeks, and harbours of those portions or parts of the dominions in America of His late Majesty King George III, being now the dominions in America of Her present Majesty Queen Victoria, not included within the limits specified and defined in the said 1st Article of the said Convention, and set out and recited in the said first paragraph hereof, the said ship or vessel "Ella M. Doughty" was found to be fishing within the said distance of 3 marine miles of the said coasts, bays, creeks, and harbours, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo were thereupon seized within 3 marine miles of the coasts or shores of the said bay and harbour of St. Anns by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for breach or violation of the said Convention and of the said several Acts.

12. Between the said 10th and 17th days of May, 1886, and subsequently thereto, in the said bay and harbour of St. Anns, within 3 marine miles of the shores thereof and within 3 marine miles of the coasts, bays, creeks, and harbours of those parts or portions of the dominions in America of His said late Majesty King George III, being now the dominions in America of Her present Majesty Queen Victoria, not included within the limits specified and defined in the said 1st Article of the said Convention, and set out

and recited in the said first paragraph hereof, the said ship or vessel "Ella M. Doughty" was found to have been fishing within the said distance of 3 marine miles of the said coasts, bays, creeks, and harbours, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo was thereupon seized within 3 marine miles of the coasts or shores of the said bay and harbour of St. Anns by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for breach or violation of the said Convention and of the said several Acts.

13. Between the said 10th and 17th days of May, 1886, and subsequently, in the said bay and harbour of St. Anns, within 3 marine miles of the shores thereof and within 3 marine miles of the coasts, bays, creeks, and harbours of those parts or portions of the dominions in America of His said late Majesty King George III, being now the dominions in America of Her present Majesty Queen Victoria, not included within the limits specified and defined in the said 1st Article of the said Convention, and set out and recited in the first paragraph hereof, the said ship or vessel "Ella M. Doughty" was found to be preparing to fish within the said distance of 3 marine miles of the coasts, bays, creeks, and harbours, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo was thereupon seized within 3 marine miles of the coasts or shores of the said bay or harbour of St. Anns by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for violation of the said Convention and of the said several Acts.

14. During the months of April and May 1886 the said Warren A. Doughty, the master of the said ship or vessel "Ella M. Doughty," and the officers and crew of the said ship or vessel "Ella M. Doughty," did in the said ship or vessel "Ella M. Doughty" enter within 3 marine miles of the coasts, bays, creeks, and harbours of the Province of Nova Scotia, being a portion of the dominions of America of His said late Majesty King George III, and now of Her said Majesty Queen Victoria, not included within the limits specified and defined in the said 1st Article of the Convention, and set out and recited in the first paragraph hereof, for the purpose of procuring bait, that is to say, herrings, wherewith to fish, and ice for the preservation on board said vessel of bait to be used in fishing and of fresh fish to be fished for, taken and caught by and upon the said vessel and by the master, officers, and crew thereof, and did procure such bait wherewith to fish and such ice for the purposes aforesaid, and did so enter for other purposes than the purpose of shelter or repairing damages or of purchasing wood or of obtaining water, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo were thereupon seized within 3 marine miles of the coasts or shores of the said Province of Nova Scotia by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for breach or violation of the said Convention and of the said several Acts.

15. During the months of April and May 1886 the said Warren A. Doughty, the master of the said ship or vessel "Ella M. Doughty," and the officers and crew of the said ship or vessel "Ella M. Doughty," did in the said ship or vessel "Ella M. Doughty," and while he and they and the said ship or vessel "Ella M. Doughty" were within 3 marine miles of the coasts, bays, creeks, and harbours of the Province of Nova Scotia, being a portion of the dominions in America formerly of His said late Majesty King George III, and now of Her Majesty Queen Victoria, not included within the limits specified and defined in the said 1st Article of the said Convention, and set out and recited in the said first paragraph hereof, fish for fish, take fish, and dry and cure fish, and were preparing to fish within the meaning of the said Convention and of the several Acts hereinbefore mentioned, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo were thereupon seized within 3 marine miles of the coasts or shores of the said Province of Nova Scotia by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for breach or violation of the said Convention and of the said several Acts.

16. During the months of April and May 1886 the said Warren A. Doughty, the master of the said ship or vessel "Ella M. Doughty," and the officers and crew of the said ship or vessel "Ella M. Doughty," were in the said ship or vessel "Ella M. Doughty," and while he and they and the said ship or vessel "Ella M. Doughty" were within 3 marine miles of the coasts, bays, creeks, and harbours of the Province of Nova Scotia, being a portion of the dominions in America formerly of His late Majesty King George III and now of Her Majesty Queen Victoria, not included within the limits

specified and defined in the said Ist Article of the said Convention set out and recited, in the first paragraph hereof, preparing to fish within the meaning of the said Convention and of the several Acts hereinbefore mentioned, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel "Ella M. Doughty" and her cargo were thereupon seized within 3 marine miles of the coasts or shores of the said Province of Nova Scotia by Donald McAulay and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for violation of the said Convention and of the said several Acts.

The Honourable John S. D. Thompson, Her Majesty's Attorney-General for the Dominion of Canada, on behalf of Her Majesty the Queen, claims the condemnation of the said ship and her cargo and her guns, ammunition, tackle, apparel, furniture and stores, for violation of the said Convention and of the said several Acts.

(Signed) WALLACE GRAHAM,
Solicitor for the Attorney-General of Canada.

No. 108.

Mr. Phelps to the Earl of Iddesleigh.—(Received September 13.)

My Lord, *Legation of the United States, London, September 11, 1886.*

I HAVE the honour to acknowledge the receipt of your note of the 1st September on the subject of the Canadian fisheries.

I received also on the 16th August last from Lord Rosebery, then Foreign Secretary, a copy of a note on the same subject, dated the 23rd July, 1886, addressed by his Lordship, through the British Minister at Washington, to Mr. Bayard, the Secretary of State of the United States, in reply to a note from Mr. Bayard to the British Minister of the 10th May, and also to mine addressed to Lord Rosebery under date of the 2nd June. The retirement of Lord Rosebery from office immediately after I received his note prevented a continuance of the discussion with him. And in resuming the subject with your Lordship, it may be proper to refer both to Lord Rosebery's note and to your own. In doing so I repeat in substance considerations expressed to you orally in recent interviews.

My note to Lord Rosebery was confined to the discussion of the case of the "David J. Adams," the only seizure in reference to which the details had then been fully made known to me. The points presented in my note, and the arguments in support of them, need not be repeated.

No answer is attempted in Lord Rosebery's reply. He declines to discuss the questions involved, on the ground that they are "now occupying the attention of the Courts of Law in the Dominion, and may possibly form the subject of an appeal to the Judicial Committee of Her Majesty's Privy Council in England."

He adds:—

"It is believed that the Courts in Canada will deliver Judgment in the above cases very shortly; and until the legal proceedings now pending have been brought to a conclusion, Her Majesty's Government do not feel justified in expressing an opinion upon them, either as to facts or the legality of the action taken by the Colonial authorities."

And your Lordship remarks, in your note of the 24th August, "It is clearly right, according to practice and precedent, that such diplomatic action should be suspended pending the completion of the judicial inquiry."

This is a proposition to which the United States' Government is unable to accede.

The seizures complained of are not the acts of individuals claiming private rights which can be dealt with only by judicial determination, or which depend upon facts that need to be ascertained by judicial inquiry. They are the acts of the authorities of Canada, who profess to be acting, and in legal effect are acting, under the authority of Her Majesty's Government. In the Report of the Canadian Minister of Marine and Fisheries, which is annexed to and adopted as a part of Lord Rosebery's note, it is said:—

"The Colonial Statutes have received the sanction of the British Sovereign, who, and not the nation, is actually the party with whom the United States made the Convention. The officers who are engaged in enforcing the Acts of Canada, or the laws of the Empire, are Her Majesty's officers, whether their authority emanates directly from the Queen or from her Representative the Governor-General."

The ground upon which the seizures complained of are principally justified is the allegation, that the vessels in question were violating the stipulations of the Treaty between the United States and Great Britain. This is denied by the United States' Government. The facts of the transaction are not seriously in dispute, and if they were

could be easily ascertained by both Governments, without the aid of the judicial Tribunals of either. And the question to be determined is the true interpretation of the Treaty, as understood and to be administered between the High Contracting Parties.

The proposition of Her Majesty's Government amounts to this: that before the United States can obtain consideration of their complaint, that the Canadian authorities, without justification, have seized, and are proceeding to confiscate, American vessels, the result of the proceedings in the Canadian Courts, instituted by the captors as the means of the seizures, must be awaited, and the decision of that Tribunal on the international questions involved obtained.

The interpretation of a Treaty when it becomes the subject of discussion between two Governments is not, I respectfully insist, to be settled by the judicial Tribunals of either. That would be placing its construction in the hands of one of the parties to it. It can only be interpreted for such a purpose by the mutual consideration and agreement which were necessary to make it. Questions between individuals arising upon the terms of a Treaty may be for the Courts to which they resort to adjust. Questions between nations as to national rights secured by Treaty are of a very different character, and must be solved in another way.

The United States' Government is no party to the proceedings instituted by the British authorities in Canada, nor can it consent to become a party. The proceedings themselves are what the United States complain of, as unauthorized, as well as unfriendly. It would be inconsistent with the dignity of a Sovereign Power to become a party to such proceedings, or to seek redress in any way in the Courts of another country for what it claims to be the violation of Treaty stipulations by the authorities of that country.

Still less could it consent to be made indirectly a party to the suits by being required to await the result of such defence as the individuals whose property is implicated may be able and may think proper to set up. Litigation of that sort may be indefinitely prolonged. Meanwhile, fresh seizures of American vessels upon similar grounds are to be expected, for which redress would in like manner await the decisions of the local Tribunals, whose jurisdiction the captors invoke and the United States' Government denies.

Nor need it be again pointed out how different may be the question involved between the Governments from that which these proceedings raise in the Canadian Courts. Courts in such cases do not administer Treaties. They administer only the Statutes that are passed in pursuance of Treaties. If a Statute contravenes the provisions of a Treaty, British Courts are, nevertheless, bound by the Statute. And if, on the other hand, there is a Treaty stipulation which no Statute gives the means of enforcing, the Court cannot enforce it.

Although the United States' Government insists that there is no British or Colonial Act authorizing the seizures complained of, if the British Courts should, nevertheless, find such authority in any existing Statute, the question whether the Statute itself, or the construction given it, is warranted by the Treaty, would still remain; and also the still higher question, whether, if the strict technical reading of the Treaty might be thought to warrant such a result, it is one which ought to be enforced between Sovereign and friendly nations, acting in the spirit of the Treaty.

The United States' Government must, therefore, insist that, irrespective of the future result of the Canadian legal proceedings, the authority and propriety of which is the subject of dispute, and, without waiting their conclusion, it is to Her Majesty's Government it must look for redress and satisfaction for the transactions in question, and for such instructions to the colonial authority as will prevent their repetition.

While, as I have observed, Lord Rosebery declines to discuss the question of the legality of these seizures, the able and elaborate Report on the subject from the Canadian Minister of Marine and Fisheries, which is made a part of it, attempts in very general terms to sustain their authority. He says:—

“It is claimed that the vessel (the ‘David J. Adams’) violated the Treaty of 1818, and consequently the Statutes which exist for the enforcement of the Treaty.”

It is not clear from this language whether it is meant to be asserted that if an act, otherwise lawful, is prohibited by a Treaty, the commission of the act becomes a violation of a Statute which has no reference to it if the Statute was enacted to carry out the Treaty; or whether it is intended to say that there was in existence, prior to the seizure of the vessel in question, some Statute which did refer to the act complained of, and did authorize proceedings or provide a penalty against American fishing vessels for purchasing bait or supplies in a Canadian port to be used in lawful fishing. The former proposition does not seem to require refutation. If the latter is intended, I have

respectfully to request that your Lordship will have the kindness to direct a copy of such Act to be furnished to me. I have supposed that none such existed; and neither in the Report of the Canadian Minister, nor in the Customs Circulars or Warnings thereto appended, in which attention is called to the various legislation on the subject, is any such Act pointed out.

The absence of such Statute provision, either in the Act of Parliament (59 Geo. III, cap. 38) or in any subsequent Colonial Act, is not merely a legal objection, though quite a sufficient one, to the validity of the proceedings in question. It affords the most satisfactory evidence that, up to the time of the present controversy, no such construction has been given to the Treaty by the British or by the Colonial Parliament as is now sought to be maintained.

No other attempt is made in the Report of the Canadian Minister to justify the legality of these seizures. It is apparent from the whole of it that he recognizes the necessity of the proposed enactment of the Act of the Canadian Parliament already alluded to in order to sustain them.

This remark is further confirmed by the communication from the Marquis of Lansdowne, Governor-General of Canada, to Lord Granville in reference to that Act, annexed by Lord Rosebery to his second note to the British Minister of the 23rd July, 1886, a copy of which was sent me by his Lordship, in connection with his other note of same date above referred to.

I do not observe upon other parts of the Minister's Report not bearing upon the points of my note to Lord Rosebery. So far as they relate to the communications addressed to the British Minister by Mr. Bayard, the Secretary of State will doubtless make such reply as may seem to him to be called for.

In various other instances American vessels have been seized or driven away by the provincial authorities when not engaged or proposing to engage in any illegal employment. Some of these cases are similar to that of the "Adams;" the vessels having been taken possession of for purchasing bait or supplies to be used in lawful fishing, or for alleged technical breach of Custom-house regulations, where no harm was either intended or committed, and under circumstances in which, for a very long time, such regulations have been treated as inapplicable.

In other cases, an arbitrary extension of the 3-mile limit fixed by the Treaty has been announced, so as to include within it portions of the high sea, such as the Bay of Fundy, the Bay of Chaleur, and other similar waters, and American fishermen have been prevented from fishing in those places by threats of seizure. I do not propose, at this time, to discuss the question of the exact location of that line, but only to protest against its extension in the manner attempted by the provincial authorities.

To two recent instances of interference by Canadian officers with American fishermen, of a somewhat different character, I am specially instructed by my Government to ask your Lordship's attention—those of the schooners "Thomas F. Bayard" and "Mascot."

These vessels were proposing to fish in waters in which the right to fish is expressly secured to Americans, by the terms of the Treaty of 1818. The former in Bonne Bay, on the north-west coast of Newfoundland, and the latter near the shores of the Magdalene Islands. For this purpose the "Bayard" attempted to purchase bait in the port of Bonne Bay, having reported at the Custom-house and announced its object. The "Mascot" made a similar attempt at Port Amherst, in the Magdalene Islands, and also desired to take on board a pilot. Both vessels were refused permission by the authorities to purchase bait, and the "Mascot" to take a pilot, and were notified to leave the ports within twenty-four hours on penalty of seizure. They were therefore compelled to depart, to break up their voyages, and to return home, to their very great loss. I append copies of the affidavits of the masters of these vessels stating the facts.

Your Lordship will observe upon reference to the Treaty, not only that the right to fish in these waters is conferred by it, but that the clause prohibiting entry by American fishermen into Canadian ports, except for certain specified purposes, which is relied on by the Canadian Government in the cases of the "Adams" and of some other vessels, has no application whatever to the ports from which the "Bayard" and the "Mascot" were excluded. The only prohibition in the Treaty having reference to those ports is against curing and drying fish there, without leave of the inhabitants, which the vessels excluded had no intention of doing. The conduct of the provincial officers toward these vessels was therefore not merely unfriendly and injurious, but in clear and plain violation of the terms of the Treaty. And I am instructed to say that reparation for the losses sustained by it to the owners of the vessels will be claimed by the United States' Government on their behalf as soon as the amount can be accurately ascertained.

It will be observed that interference with American fishing-vessels by Canadian authorities is becoming more and more frequent, and more and more flagrant in its disregard of Treaty obligations and of the principles of comity and friendly intercourse. The forbearance and moderation of the United States' Government in respect to them appear to have been misunderstood, and to have been taken advantage of by the Provincial Government. The course of the United States has been dictated not only by an anxious desire to preserve friendly relations, but by the full confidence that the interposition of Her Majesty's Government would be such as to put a stop to the transactions complained of, and to afford reparation for what loss has already taken place. The subject has become one of grave importance, and I earnestly solicit the immediate attention of your Lordship to the questions it involves, and to the views presented in my former note, and in those of the Secretary of State.

The proposal in your Lordship's note, that a revision of the Treaty stipulations bearing upon the subject of the fisheries should be attempted by the Governments upon the basis of mutual concession, is one that under other circumstances would merit and receive serious consideration. Such a revision was desired by the Government of the United States before the present disputes arose, and when there was a reasonable prospect that it might have been carried into effect. Various reasons, not within its control, now concur to make the present time inopportune for that purpose, and greatly to diminish the hope of a favourable result to such an effort. Not the least of them is the irritation produced in the United States by the course of the Canadian Government, and the belief thereby engendered that a new Treaty is attempted to be forced upon the United States' Government.

It seems apparent that the questions now presented and the transactions that are the subject of present complaint must be considered and adjusted upon the provisions of the existing Treaty, and upon the construction that is to be given to them.

A just construction of these stipulations, and such as would consist with the dignity, the interests, and the friendly relations of the two countries, ought not to be difficult, and can doubtless be arrived at.

As it appears to me very important to these relations that the collisions between the American fishermen and the Canadian officials should terminate, I suggest to your Lordship whether an *ad interim* construction of the terms of the existing Treaty cannot be reached, by mutual understanding of the Governments, to be carried out informally by instructions given on both sides, without prejudice to ultimate claims of either, and terminable at the will of either, by which the conduct of the business can be so regulated for the time being as to prevent disputes and injurious proceedings until a more permanent understanding can be had.

Should this suggestion meet with your Lordship's approval, perhaps you may be able to propose an outline for such an arrangement. I am not prepared nor authorized to present one at this time, but may hereafter be instructed to do so if the effort is thought advisable.

I have, &c.
(Signed) E. J. PHELPS.

Inclosure 1 in No. 108.

Statement of James Macdonald.

United States of America, Commonwealth of Massachusetts.

I, JAMES MACDONALD, of Gloucester, on my oath do say :—

"I am master and part owner of the schooner 'Thomas F. Bayard,' a licensed vessel of the United States; that she sailed with a permit to trade from Gloucester the 22nd June on a trip for Halibut. We fished on the north-west coast of Newfoundland near Bonne Bay, where my supply of bait being exhausted I ran into the port the 12th July, and reported at the Custom-house, stating to the Collector that my purpose was to buy bait. The Collector immediately served me with the notice hereto appended, and made part of this affidavit. I had with me a copy of the Canadian warning of the 5th March, 1886, which contained the clause 2 of the Treaty of 1818. This I showed to the Collector, and argued that I had the rights under the Treaty there set out. In substance, his reply was that he had an official duty to perform, and would not permit me. Fearing that my vessel would be seized, should I remain or should I buy bait or take it, I determined to return to Gloucester, as my trip was broken up by these threats in the notice, and the action of the Collector in refusing to recognize the rights secured my vessel by the Treaty.

"I arrived in Gloucester the 26th July: I say great losses and damages have enured to said vessel, her owners, and crew, by reason of being warned off said coast and said Bonne Bay as will be duly made to appear.

(Signed) "JAMES MACDONALD."

Commonwealth of Massachusetts, Suffolk, s.s.

Then personally appeared the above-named James Macdonald, and made oath that this foregoing statement by him subscribed is true.

Before me,
(Signed) CHARLES G. CHICK,
Justice of the Peace.

Boston, July 28, 1886.

Inclosure 2 in No. 108.

Mr. Taylor to Captain Macdonald.

Sir,

Bonne Bay, July 12, 1886.

I AM instructed to give you notice that the presence of your vessel in this port is in violation of the Articles of the International Convention of 1818 between Great Britain and the United States in relation to fishery rights on the coast of Newfoundland and of the laws in force in this country for the enforcement of the Articles of the Convention, and that the purchase of bait or ice, or other transaction in connection with fishery operations, within 3 miles of the coasts of this Colony, will be in further violation of the terms of said Convention and laws.

I am, &c.
(Signed) N. N. TAYLOR,
Officer of Customs at

Inclosure 3 in No. 108.

Statement of Alex. McEachern.

State of Massachusetts, County of Essex.

BE it known that, on this 27th day of July, in the year of our Lord 1886, before me, Aaron Parsons, a Notary Public, duly commissioned and sworn, and dwelling at Gloucester, in county and State aforesaid, personally appeared Alex. Eachern, master of the schooner called "Mascot," of this port, who deposes and says:—

"That on the 10th day of June, 1886 A.D., I went into Port Amherst, Magdalene Islands, for the purpose of buying bait, but as soon as I went ashore I was met by the Custom-house officials, who forbid me from so doing, stating that they would seize my vessel, and I had no right to enjoy any privileges here except to get wood and water. I inform him that I wanted to take a pilot, as I could find a spot where I was informed that the fishing was good. He also said if I shipped such pilot or laid in port over twenty-four hours he would seize my vessel.

(Signed) "ALEX. McEACHERN."
"Gloucester, July 27, 1886."

Before me,
(Signed) AARON PARSONS,
Notary Public.

No. 109.

Mr. Bramston to Sir J. Pauncefote.—(Received September 17.)

Sir,

Downing Street, September 16, 1886.

WITH reference to previous correspondence relating to warnings alleged to have been given to United States' fishing-vessels by the Collector of Customs at Canso, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Officer administering the Government of Canada, with its inclosures, on the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 109.

Lord A. Russell to Mr. Stanhope.

Sir,

Halifax, Nova Scotia, August 21, 1886.

WITH reference to Earl Granville's despatch of the 15th July last, addressed to the Marquis of Lansdowne, requesting a Report from my Government on the subject of an inclosed note from the Secretary of State of the United States to Her Majesty's Minister at Washington, relating to certain warnings alleged to have been given to United States' fishing-vessels by the Collector of Customs at Canso, I have the honour to forward herewith a copy of an approved Report of a Committee of the Privy Council, embodying a Report by my Minister of Marine and Fisheries on the subject.

I have, &c.

(Signed) A. G. RUSSELL, *General.*

Inclosure 2 in No. 109.

Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Administrator of the Government in Council on the 16th August, 1886.

[Extract sent to Sir L. West for communication to Mr. Bayard. See No. 115, *post.*]

THE Committee of the Privy Council have had under consideration a despatch dated the 15th July, 1886, from the Secretary of State for the Colonies, in which he asks for a Report from the Canadian Government on the subject of an inclosed note from Mr. Secretary Bayard to the British Minister at Washington, relating to certain warnings alleged to have been given to United States' fishing-vessels by the Sub-Collector of Customs at Canso.

Mr. Bayard states:—

"1. That the masters of the four American fishing-vessels of Gloucester, Mass., 'Martha C. Bradley,' 'Rattler,' 'Eliza Boynton,' and 'Pioneer,' have severally reported to the Consul-General at Halifax that the Sub-Collector of Customs at Canso had warned them to keep outside an imaginary line drawn from a point 3 miles outside Canso Head to a point 3 miles outside St. Esprit, on the Cape Breton coast.

"2. That the same masters also report that they were warned against going inside an imaginary line drawn from a point 3 miles outside North Cape in Prince Edward Island to a point 3 miles outside East Point on the same island.

"3. That the same authority informed the masters of the vessels referred to that they would not be permitted to enter Bay Chaleur."

The Minister of Marine and Fisheries, to whom the despatch and inclosures were referred, observes that the instructions issued to Collectors of Customs authorized them, in certain cases, to furnish United States' fishing vessels with a copy of the Circular hereto attached,* and which constitutes the only official "warning" Collectors of Customs are empowered to give. It was to be presumed that the Sub-Collector of Customs at Canso, as all other Collectors, would carefully follow out the instructions as received, and that therefore no case such as that alleged by Mr. Secretary Bayard would be likely to arise.

The Minister states, however, so soon as the despatch above referred to was received he sent to the Sub-Collector at Canso a copy of the allegations, and requested an immediate reply thereto.

The Sub-Collector, in answer, emphatically denies that he has ordered any American vessel out of any harbour in his district or elsewhere, or that he did anything in the way of warning except to deliver copies of the official Circular above alluded to, and states that he boarded no United States' vessel other than the "Annie Jordan" and the "Hereward," and that neither the "Martha C. Bradley," "Rattler," or "Pioneer" of Gloucester have, during the season, reported at his port of entry.

He with equal clearness denies that he has warned any United States' fishing vessels to keep outside the line from Cape North to East Point, alluded to by Mr. Secretary Bayard, or that they would not be permitted to enter Bay des Chaleurs.

The Minister has every reason to believe the statements made by the Sub-Collector at Canso, and, taking into consideration all the circumstances of the case, is of the opinion that the information which has reached the Secretary of State does not rest upon a trustworthy basis.

With reference to the concluding portion of Mr. Bayard's note, which is as follows:—

* For Circular, see p. 68.

"Such warnings are, as you must be well aware, wholly unwarranted pretensions of extra-territorial authority, and usurpations of jurisdiction by the provincial officials.

"It becomes my duty, in bringing this information to your notice, to request that if any such orders for interference with the unquestionable rights of the American fishermen to pursue their business without molestation at any point not within 3 marine miles of the shores, and within the defined limits, as to which renunciation of the liberty to fish was expressed in the Treaty of 1818, may have been issued, the same may at once be revoked as violative of the rights of citizens of the United States under Convention with Great Britain.

"I will ask you to bring this subject to the immediate attention of Her Britannic Majesty's Government, to the end that proper remedial orders may be forthwith issued.

"It seems most unfortunate and regrettable that questions which have been long since settled between the United States and Great Britain should now be sought to be revived."

The Minister further observes that, in his opinion, the occasion of the present despatch, which has to deal mainly with questions of fact, does not render it necessary for him to enter upon any lengthened discussion of the question of headland limits.

He cannot, however, do otherwise than place upon record the earnest expression of his entire dissent from the interpretation therein sought to be placed upon the Treaty of 1818 by the United States' Secretary of State.

The Committee concur in the foregoing Report of the Minister of Marine and Fisheries, and advise that your Excellency be moved to transmit a copy thereof to Her Majesty's Secretary of State for the Colonies.

(Signed) JOHN J. McGEE,
Clerk, Privy Council, Canada.

No. 110.

Mr. Bramston to Sir J. Pouncefote.—(Received September 17.)

Sir,

Downing Street, September 16, 1886.

WITH reference to your letter of the 28th July last, relating to protests by Mr. Bayard against the action of the Canadian authorities in regard to United States' fishing-vessels, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Officer administering the Government of Canada on the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 110.

Administrator Lord A. Russell to Mr. Stanhope.

Sir,

Halifax, Nova Scotia, August 21, 1886.

I CAUSED to be referred to my Government a copy of Earl Granville's despatch of the 29th ultimo, addressed to the Marquis of Lansdowne, inclosing two despatches from Her Majesty's Chargé d'Affaires at Washington, containing protests of Mr. Bayard against the action of the authorities of the Dominion in regard to certain United States' fishing-vessels.

2. I now have the honour to transmit herewith a copy of an approved Report of a Committee of the Privy Council, to which is annexed a Report by the Minister of Marine and Fisheries, relative to the circumstances under which the Secretary of State of the United States affirms that the American fishery steamer "Novelty" was not permitted to take in steam-coal, purchase ice, or tranship fish in bond to the United States at Pictou, Nova Scotia.

3. You will observe that Mr. Foster's Report deals also with Mr. Bayard's note of the 10th ultimo, relating to the alleged threats by the Customs officials of the Dominion to seize American boats coming into those waters to purchase herring from the Canadian weirs for the purpose of canning as sardines.

I have, &c.
(Signed) A. G. RUSSELL, General.

Inclosure 2 in No. 110.

Report of a Committee of the Honourable the Privy Council for Canada, approved by His Excellency the Administrator of the Government in Council, on the 20th August, 1886.

THE Committee of the Privy Council have had under consideration the despatch, dated the 29th July last, from Her Majesty's Secretary of State for the Colonies, inclosing two notes from Mr. Secretary Bayard to the British Minister at Washington, and asking that Her Majesty's Government be furnished with a Report upon the cases therein referred to.

The Committee respectfully submit the annexed Report from the Minister of Marine and Fisheries, to whom the said despatch and its inclosures were submitted, and they advise that your Excellency be moved to transmit a copy thereof, if approved, to Her Majesty's Principal Secretary of State for the Colonies.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 110.

Report.

Department of Fisheries, Ottawa, August 14, 1886.

THE Undersigned has the honour to submit the following in answer to a despatch from Lord Granville to the Governor-General under date of the 29th July last, inclosing two notes from Mr. Secretary Bayard to the British Minister at Washington, and asking that Her Majesty's Government be furnished with a Report upon the cases therein referred to.

In his first communication dated the 10th July Mr. Bayard says:—

"I have the honour to inform you that I am in receipt of a Report from the Consul-General of the United States at Halifax, accompanied by sworn testimony stating that the 'Novelty,' a duly registered merchant steam-vessel of the United States, has been denied the right to take in steam coal, or purchase ice or tranship fish in bond to the United States at Pictou, Nova Scotia.

"It appears that having reached that port on the 1st instant, and finding the Customs Office closed on account of a holiday, the master of the 'Novelty' telegraphed to the Minister of Marine and Fisheries at Ottawa, asking if he would be permitted to do any of the three things mentioned above; that he received in reply a telegram reciting with certain inaccurate and extended application and language of Article I of the Treaty of 1818 the limitations upon the significance of which are in pending discussion between the Government of the United States and that of Her Britannic Majesty; that on entering and clearing the 'Novelty' on the following day at the Customs-house, the Collector stated that his instructions were contained in the telegram the master had received, and that the privilege of coaling being denied, the 'Novelty' was compelled to leave Pictou without being allowed to obtain fuel necessary for her lawful voyage and a dangerous coast.

"Against this treatment I make instant and formal protest as an unwarranted interpretation and application of the Treaty by the officers of the Dominion of Canada and the Province of Nova Scotia, as an infraction of the laws of commercial and maritime intercourse existing between the two countries, and as a violation of hospitality, and for any loss or injury resulting therefrom, the Government of Her Britannic Majesty would be held liable."

With reference to this the Undersigned begs to observe that Mr. Bayard's statement appears to need modification in several important particulars.

In the first place, the "Novelty" was not a vessel regularly trading between certain ports in the United States and Canada, but was a fishing vessel, whose purpose was to carry on the mackerel seining business in the waters of the Gulf of St. Lawrence, around the coast of Prince Edward Island and Nova Scotia; that she had on board a full equipment of seines and fishing apparatus, and men; that she was a steam-vessel and needed coal not for purposes of cooking or warming, but to produce motive power for the vessel, and that she wished to pursue her business of fishing in the above-named waters, and to send her fares home over Canadian territory to the end that she might the more uninterruptedly and profitably carry on her business of fishing. That she was a fishing vessel and not a merchant-vessel is proved, not only by the facts above mentioned, but also

from a telegram over the signature of H. B. Joyce, the captain of the vessel, a copy of which is appended. In his telegram, Captain Joyce indicates the character of his vessel by using the words "American fishing-steamer," and he signs himself "H. B. Joyce, master of fishing-steamer 'Novelty.'"

There seems no doubt, therefore, that the "Novelty" was, in character and in purpose, a fishing-vessel, and as such comes under the provision of the Treaty of 1818, which allows United States' fishing-vessels to enter Canadian ports "for the purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water, and for no other purpose whatever."

The object of the captain was to obtain supplies for the prosecution of his fishing, and to tranship his cargoes of fish at a Canadian port, both of which are contrary to the letter and spirit of the Convention of 1818.

To Mr. Bayard's statement that, in reply to Captain Joyce's inquiry of the Minister of Marine and Fisheries, "he received, in reply, a telegram reciting certain inaccurate and extended application of the language of Article I of the Treaty of 1818," the Undersigned considers it a sufficient answer to adduce the telegrams themselves.

1. Inquiry by the captain of the "Novelty":—

"From Pictou, Nova Scotia.

"Ottawa, July 1, 1886.

"Will the American fishing steamer now at Pictou be permitted to purchase coal or ice, or to tranship fresh fish in bond to United States' markets? Please answer.

(Signed) "H. B. JOYCE,
"Master of fishing steamer 'Novelty.'

"Hon. Geo. E. Foster,
Minister of Marine and Fisheries."

2. Reply of the Minister of Marine and Fisheries thereto:—

"Ottawa, July 1, 1886.

"By terms of Treaty 1818, United States' fishing-vessels are permitted to enter Canadian ports for shelter, repairs, wood, and water, and for no other purpose whatever. That Treaty is now in force.

(Signed) "GEO. E. FOSTER,
"Minister of Marine and Fisheries.

"To H. B. Joyce, Master American
steamer 'Novelty,' Pictou, N.S."

The Undersigned fails to observe wherein any "inaccurate or extended application" of the language of the Treaty can be found in the above answer, inasmuch as it consists of a *de facto* citation from the Treaty itself, with the added statement, for the information of the captain, that said Treaty was at that time in force. As to the "unwarranted interpretation and application of the Treaty," of which Mr. Bayard speaks, the Undersigned has already discussed that phase of the question in his Memorandum of the 14th June, which was adopted by Council, and has been forwarded to Her Majesty's Government.

Mr. Bayard's second note is as follows:—

"On the 2nd June last I had the honour to inform you that despatches from Eastport, in Maine, had been received, reporting threats by the Customs officials of the Dominion to seize American boats coming into those waters to purchase herring from the Canadian weirs, for the purpose of canning the same as sardines, which would be a manifest infraction of the right of purchase and sale of herring caught and sold by Canadians in their own waters in the pursuance of legitimate trade.

"To this note I have not had the honour of a reply."

To-day Mr. C. A. Boutelle, M.C., from Maine, informs me that "American boats visiting St. Andrew's, New Brunswick, for the purpose of there purchasing herring from the Canadian weirs for canning, had been driven away by the Dominion cruiser 'Middleton.'

"Such inhibition of usual and legitimate commercial contracts and intercourse is assuredly without warrant of law, and I draw your attention to it in order that the commercial rights of the citizens of the United States may not be thus invaded and subjected to unfriendly discrimination."

With reference to the above, the Undersigned observes that, so far as his information goes, no Collectors of Customs or captains of cruisers have threatened to "seize American boats coming into Canadian waters to purchase herring from her Canadian weirs, for the purpose of canning them as sardines."

Collectors of Customs have, however, in pursuance of their duties under the Customs Law of Canada, compelled American vessels coming to purchase herring to enter and clear in conformity to Customs Law.

With reference to the action of the Dominion cruiser "Middleton," the Under-signed cannot do better than quote from the official Report of the Captain of that vessel as to the facts of the case referred to. In his Report, of date the 9th July, 1886, Captain McLean, of the "General Middleton," says:—

"At 9 A.M. made sail, and drifted with the tide towards the bay. Seeing a large number of boats of various sizes hovering around the fishing weirs, I ordered the boat in waiting, and sent Officer Kent in charge, giving him instructions to row among the boats and see if there were any American purchasing fish. On the return of the boat, Chief Officer Kent reported the boats mentioned were Americans, there for the purpose of getting herring. I immediately directed the Chief Officer to return, and order the American boats to at once report themselves to the Collector of the Port and get permits to load fish, or leave without further delay. One of the boatmen complied with the request, and obtained a permit to load fish for Eastport; the others were very much disturbed on receiving the above instructions, and sailed away towards the American side of the river and commenced blowing their fog-horns, showing their contempt. Other boats at a greater distance, seeing our boat approaching, did not wait her arrival, but up sail and left for the American shore."

The above extract from the Report of the Chief Officer of the "General Middleton" goes to show that it was not his object to prevent American boats from trading in sardines, but rather to prevent them from trading without having first conformed to the Customs Law of Canada.

The whole respectfully submitted.

(Signed)

GEORGE E. FOSTER,
Minister of Marine and Fisheries.

No. 111.

Mr. Bramston to Sir J. Pauncefote.—(Received September 17.)

Sir,

Downing Street, September 16, 1886.

WITH reference to the letter from this Department of the 28th ultimo, and to previous correspondence, respecting certain notices alleged to have been issued to American fishermen at the Magdalen Islands, and at Bonne Bay, in Newfoundland, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Governor of Newfoundland on the subject.

I am, &c.

(Signed)

JOHN BRAMSTON.

Inclosure 1 in No. 111.

Governor Sir G. Des Vœux to Mr. Stanhope.

Sir,

Government House, August 31, 1886.

REFERRING to your telegram received by me on the 21st instant, and replied to on the 24th August, I have the honour to report as follows:—

On inquiry I find that, in issuing the notices to be served on American fishermen, as reported in my despatch of the 2nd August, this Government, by an oversight, omitted in the first instance to make exception with regard to that portion of the coast on which the United States have fishing rights under the Convention of 1818.

The mistake, however, was discovered, and corrected by amended instructions to the officers concerned about three weeks before the receipt of your telegram.

So far there has been reported to me service of the notice on only two vessels, one of which (as appears from the inclosed letter of the Sub-Inspector at Bay of Islands) afterwards secured a cargo, and did not therefore probably suffer any detriment.

The other vessel (if a statement is correct which I observe in one of the American newspapers) went away empty, and therefore, I fear, may become the subject of reclamation.

I have, however, no official information on the subject, and the above report is, therefore, very possibly erroneous.

I have, &c.

(Signed)

G. WILLIAM DES VŒUX.

Inclosure 2 in No. 111.

Mr. Barrow to Governor Sir G. Des Vœux.

Sir,

Bay of Islands, August 4, 1886.

I HAVE the honour to acknowledge the receipt of your telegram of the 2nd instant, saying: "Discontinue serving notices on American fishermen (sent 17th June) until further instructed."

I beg to state that I served a notice on the master of one United States' fishing-schooner only. She was called the "Velocipede," 64 tons, registered at Gloucester. This vessel, I hear, has since then sailed for the United States, after having done well with halibut fishing.

I shall not serve any more notices upon United States' fishermen, agreeably to your respected telegram above mentioned.

I have, &c.

(Signed) LAWRENCE BARROW, *Sub-Collector.*

No. 112.

Sir R. Herbert to Sir J. Pauncefote.—(Received September 20.)

Sir,

Downing Street, September 18, 1886.

WITH reference to your letter of the 26th ultimo, I am directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a telegram from the Officer administering the Government of Canada respecting the American fishing-boat "Rattler."

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 112.

Governor the Marquis of Lansdowne to Mr. Stanhope.

(Telegraphic.)

September 14, 1886.

REFERRING to your telegram of the 1st September relative to fishing-boat "Rattler," facts are as follows:—

"On morning of the 4th August her captain called on Collector of Customs, Shelburne, accompanied by chief officer fishery police cutter, and reported his arrival inwards, laden with mackerel, for shelter. Afterwards chief officer informed Collector of Customs fishing-boat found previous evening at anchor 5 miles down harbour. Two men from fishery police cutter put on board, and master required conveyance to report Custom-house in the morning. Master attempted put to sea at night, but prevented by fishery police officers."

No. 113.

Sir L. West to the Earl of Iddesleigh.—(Received September 24.)

My Lord,

Washington, September 11, 1886.

I HAVE the honour to transmit herewith a copy of a note from the Secretary of State, dated the 10th instant, calling attention to the case of an American fishing-vessel, the "Mollie Adams," on account of the alleged refusal of the Collector of Customs at Port Mulgrave, Nova Scotia, to allow the master of the "Mollie Adams" to purchase barrels to hold a supply of water for the return voyage.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 113.

Mr. Bayard to Sir L. West.

Sir,

Washington, September 10, 1886.

IT is my duty to ask you to bring to the attention of Her Britannic Majesty's Government the treatment lately experienced by an American fishing-vessel, the "Mollie Adams," of Gloucester, Massachusetts, at the hands of the Collector of Customs at Port Mulgrave, in the Strait of Canso, Nova Scotia.

By the sworn statement of Solomon Jacobs, master of the schooner "Mollie Adams," it appears that on the 31st ultimo, whilst on his homeward voyage, laden with fish from the fishing banks, he was compelled to put into Port Mulgrave to obtain water, and duly made report and entry at the custom-house. The water tank of the vessel having been burst in his voyage by heavy weather and thus rendered useless, he asked permission of the Collector to purchase two or three barrels to hold a supply of water for his crew on their homeward voyage of about 500 miles.

This application was refused, and his vessel threatened with seizure if barrels were purchased. In consequence, the vessel was compelled to put to sea with an insufficient supply of water, and in trying to make some other port wherein to obtain water a severe gale was encountered, which swept away his deck-load of fish and destroyed two seine-boats.

This inhospitable, indeed inhuman, conduct on the part of the Customs officer in question should be severely reprimanded, and for the infraction of Treaty rights and commercial privileges compensation equivalent to the injuries sustained will be claimed from Her Majesty's Government.

I have, &c.
(Signed) T. F. BAYARD.

No. 114.

Sir P. Currie to Sir R. Herbert.

Sir,

Foreign Office, September 27, 1886.

I HAVE laid before the Earl of Iddesleigh your letter of the 18th instant, inclosing a copy of a telegram from the Officer administering the Government of Canada respecting the United States' fishing-boat "Rattler," and I am to acquaint you, in reply, for the information of Mr. Secretary Stanhope, that his Lordship proposes to defer taking any action in this matter until full particulars are received by despatch from Canada. His Lordship would be glad to be informed when the despatch may be expected.

I am, &c.
(Signed) P. CURRIE.

No. 115.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, September 30, 1886.

I TRANSMIT to you herewith, for communication to the United States' Secretary of State, an extract from an approved Report of the Canadian Privy Council relative to certain warnings alleged to have been given to United States' fishing-vessels by the Sub-Collector of Customs at Canso.*

The warning alluded to in this Report is the same as that inclosed in my predecessor's despatch of the 23rd July last, a copy of which you were instructed to communicate to Mr. Bayard.

I am, &c.
(Signed) IDDESLEIGH.

No. 116.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, September 30, 1886.

WITH reference to Mr. Hardinge's despatches of the 12th July last, inclosing copies of notes from Mr. Bayard, protesting against the action of the Canadian authorities with regard to the United States' vessel "Novelty," and the action of the Canadian cruizer "Middleton" in preventing United States' boats from visiting St. Andrews, New Brunswick, for the purpose of there purchasing herring for canning, I transmit to you herewith, for communication to Mr. Bayard, a copy of a certified Report of the Canadian Privy Council, dealing with both questions.*

I have to add that the Report in question appears to Her Majesty's Government to be a temperate and complete answer to both complaints.

I am, &c.
(Signed) IDDESLEIGH.

No. 117.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, September 30, 1886.

WITH reference to my despatch of the 4th instant, I transmit to you herewith, for your information, a copy of a letter from the Colonial Office,† inclosing a copy of a despatch from the Governor of Newfoundland on the subject of certain notices alleged to have been issued to United States' fishermen at the Magdalen Islands and Bonne Bay.

I am, &c.
(Signed) IDDESLEIGH.

No. 118.

Sir L. West to the Earl of Iddesleigh.‡—(Received October 1.)

My Lord,

Washington, September 17, 1886.

WITH reference to your Lordship's despatch of the 4th instant, I have the honour to inclose to your Lordship herewith copy of a note which I have addressed to the Secretary of State, showing the steps which have been taken in consequence of the protest of the United States' Government against the action of the authorities at Bonne Bay, Newfoundland, and Port Amherst, Magdalen Islands, in regard to United States' fishing-vessels.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 118.

Sir L. West to Mr. Bayard.

Sir,

Washington, September 17, 1886.

WITH reference to your note of the 30th July last, calling attention to alleged infractions of the Convention of 1818 by the authorities at Bonne Bay, Newfoundland, and at Port Amherst, Magdalen Islands, I have now received instructions from Her Majesty's Secretary of State for Foreign Affairs to inform you of the steps which have been taken in the matter in consequence of the protest of the United States' Government.

On the arrival of your note in London Her Majesty's Secretary of State for the Colonies telegraphed to the Officers administering the Governments of Canada and Newfoundland, calling attention to the cases, and explaining that under the Treaty of 1818 United States' fishermen have the right to fish off the coasts of the Magdalen

* No. 110.

† No. 111.

‡ Copy to Colonial Office, October 5, 1886.

Islands and off certain coasts of Newfoundland, and stating that it was presumed that the Customs officials in those places had not been instructed in the same way as on other parts of the coast.

On the 25th ultimo the Governments of Canada and Newfoundland were further instructed by despatch from the Colonial Office to make full Reports on the subject of the complaints in question, and it was recommended that special instructions should be issued to the authorities at those places where the inshore fishery has been granted by the Convention of 1818 to United States' fishermen, calling their attention to the provisions of that Convention, and warning them that no action contrary thereto may be taken in regard to United States' fishing-vessels.

I may add that information has been received that the warning notices referred to by you were discontinued in the beginning of August.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 119.

Sir L. West to the Earl of Iddesleigh.—(Received October 4.)

My Lord,

Washington, September 24, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a further note which I have received from the Secretary of State, bringing to my attention the case of the American fishing-schooner "Crittenden," which he alleges put into Steep Creek, in the Straits of Canso, for water, and which was threatened with seizure in consequence.

I have, &c.
(Signed) L. S. SACKVILLE WEST!

Inclosure in No. 119.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, September 23, 1886.

I HAVE the honour to bring to your attention an instance which has been brought to my knowledge of an alleged denial of one of the rights guaranteed by the Convention of 1818, in the case of an American fishing-vessel.

Captain Joseph E. Graham, of the fishing-schooner "A. R. Crittenden," of Gloucester, Massachusetts, states under oath that, on or about the 21st July last, on a return trip from the open sea fishing-grounds to his home port, and while passing through the Straits of Canso, he stopped at Steep Creek for water. The Customs officer at that place told him that if he took in water his vessel would be seized; whereupon he sailed without obtaining the needed supply, and was obliged to put his men on short allowance of water during the passage homeward.

I have the honour to ask that Her Britannic Majesty's Government cause investigation to be made of the reported action of the Customs officer at Steep Creek, and, if the facts be as stated, that he be promptly rebuked for his unlawful and inhumane conduct in denying to a vessel of a friendly nation a general privilege which is not only held sacred under the maritime law of nations, but which is expressly confirmed to the fishermen of the United States throughout the Atlantic coasts of British North America by the 1st Article of the Convention of 1818.

It does not appear that the "A. R. Crittenden" suffered other damage by this alleged inhospitable treatment, but, reserving that point, the incident affords an illustration of the vexatious spirit in which the officers of the Dominion of Canada appear to seek to penalize and oppress those fishing-vessels of the United States, lawfully engaged in fishing, which from any cause are brought within their reach.

I have, &c.
(Signed) T. F. BAYARD.

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No. 120.

Sir P. Currie to Sir R. Herbert.

Sir,

Foreign Office, October 4, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Minister at Washington,* inclosing a copy of a note from the United States' Secretary of State, calling attention to an alleged refusal of the Collector of Customs at Port Mulgrave, Nova Scotia, to allow the master of the United States' fishing-vessel "Mollie Adams" to purchase barrels to hold a supply of water for the return voyage, and I am to request that a Report on the subject may be obtained from the Dominion Government.

I am, &c.

(Signed) P. CURRIE.

No. 121.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, October 6, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Minister at Washington, inclosing a copy of a note from the United States' Secretary of State, calling attention to the case of the United States' fishing-schooner "Crittenden," which it is alleged put into Steep Creek, in the Straits of Canso, for water, and was threatened with seizure in consequence;† and I am to request that a Report on the subject may be obtained from the Dominion Government as soon as possible.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 122.

The Earl of Iddesleigh to Mr. Phelps.

Sir,

Foreign Office, October 11, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 11th ultimo on the subject of the Canadian fisheries, and I beg leave to acquaint you that the note is under the careful consideration of Her Majesty's Government, and that an answer will be returned as early as possible.

I am, &c.

(Signed) IDDESLEIGH.

No. 123.

Mr. Bramston to Sir J. Pauncefote.—(Received October 18.)

Sir,

Downing Street, October 15, 1886.

WITH reference to the letter from this Department of the 18th ultimo relating to the alleged unfriendly treatment of the United States' fishing schooner "Rattler" in Shelburne Harbour, I am directed by Mr. Secretary Stanhope to transmit to you herewith a copy of a despatch from the Officer administering the Government of Canada, inclosing a copy of a Minute by his Privy Council, with its inclosure, upon the subject.

I am to state that the despatch from the Secretary of State referred to in the papers now sent, viz., of the 1st September, was that in which your letter of the 26th August last was communicated to the Officer administering the Government of Canada, and that shortly after the receipt of your letter of the 27th September, viz., on the 5th instant, a telegram was sent to the Officer administering the Government, asking him when an answer to that despatch might be expected.

No reply has yet been received.

I am, &c.

(Signed) JOHN BRAMSTON.

* No. 113.

† No. 119.

Inclosure 1 in No. 123.

Administrator Lord A. G. Russell to Mr. Stanhope.

Sir,

Halifax, Nova Scotia, September 21, 1886.

I HAVE the honour to inclose herewith a certified copy of a Minute of my Privy Council, embodying a Report of the Minister of Customs for the Dominion, in relation to the alleged improper treatment of the United States' fishing schooner "Rattler," in being required to report to the Collector of Customs at Shelburne, Nova Scotia, when seeking that harbour for shelter.

2. The reply of the Collector to the inquiries addressed to him in respect to this matter is appended to the Minister's Report, and in it the facts of the case as set forth in my telegram of the 14th instant are given.

3. I have communicated your despatch of the 1st instant, forwarding Mr. Bayard's protest concerning this case, to my Ministers, and requested to be furnished with a Report thereon, which I shall forward, for your information, as soon as it has been received.

I have, &c.

(Signed) A. G. RUSSELL, *General.*

Inclosure 2 in No. 123.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Administrator of the Government in Council on the 16th September, 1886.

THE Committee of Council have had before them a cablegram from the Right Honourable the Secretary of State for the Colonies, dated the 1st September, 1886, as follows:—

"Report should be made as to treatment United States' fishing-boat 'Rattler,' alleged compelled report Customs when seeking Shelburne Harbour. Despatch follows by mail."

The Minister of Customs, to whom the cablegram was referred for immediate report, caused a telegram to be forwarded to the Collector of Customs at Shelburne, to the effect that it was "stated that United States' fishing-boat 'Rattler' compelled report Customs when seeking Shelburne Harbour: what were circumstances? Answer by telegram, and report in full by mail;" and he submits the Report, dated the 6th September instant, from Mr. Attwood, the Collector of Customs at Shelburne.

The Committee advise that your Excellency be moved to cable a copy of the Report above mentioned, for the information of the Right Honourable the Secretary of State for the Colonies.

(Signed) JOHN J. MCGEE, *Clerk, Privy Council.*

Inclosure 3 in No. 123.

Mr. Attwood to the Commissioner of Customs, Ottawa.

Sir,

Custom-house, Shelburne, September 6, 1886.

I HAVE to acknowledge receipt of your telegram of the 4th instant relative to schooner "Rattler," and I wired an answer this morning as requested.

On the morning of the 4th ultimo Chief Officer of "Terror," accompanied by Captain A. F. Cunningham, called at this Office. Captain Cunningham reported his vessel inwards as follows, viz.:—

"Schooner 'Rattler,' of Gloucester, 93 tons register, sixteen men from fishing bank, with 465 barrels mackerel, came in for shelter."

I was afterwards informed by the officer of cutter that they found the schooner the evening before at anchor off Sandy Point, 5 miles down the harbour. Two men from cutter were put on board, and the master required to report at Customs in the morning.

I was also informed that the master, Captain Cunningham, made an attempt to put to sea in the night by hoisting sails, weighing anchor, &c., but was stopped by officers from cutter.

I am, &c.

(Signed) W. W. ATTWOOD, *Collector.*

Mr. Bramston to Sir J. Pauncefote.—(Received October 20.)

Sir,

Downing Street, October 19, 1886.

I AM directed by Mr. Secretary Stanhope to transmit to you, for the information of the Earl of Iddesleigh, a copy of a despatch from the Officer administering the Government of Canada, forwarding a copy of a Customs Circular in relation to the coasting trade of the Dominion

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 124.

Administrator Lord H. Russell to Mr. Stanhope.

Sir,

Halifax, Nova Scotia, September 21, 1886.

I HAVE the honour to inclose herewith, for your information, copy of a Circular of the Canadian Customs in relation to the coasting trade of the Dominion.

2. I understand that a general Regulation dealing with this subject is now in course of preparation by the Department of Customs for confirmation by my Privy Council. I shall take care that a copy of this document is forwarded for your information whenever it is available.

I have, &c.
(Signed) H. RUSSELL, *General.*

Inclosure 2 in No. 124.

Circular.

Sir,

Customs Department, Ottawa, August 14, 1886.

NUMEROUS seizures have been recently made by officers of the Special Agent's Branch of this Department, which, with other evidence in the possession of the Department, goes to show that great laxity exists on the part of Collectors and other Customs officers in connection with traffic going on in small open boats and fishing-vessels between Canadian and foreign ports.

I am directed by the Honourable the Minister of Customs to call your attention to certain requirements of the Customs Law and Regulations bearing upon this subject, and to enjoin upon you the necessity for greater vigilance, and a stricter enforcing of the law than you have apparently been in the habit of insisting upon.

Section 38 of the Customs Act declares that it shall not be lawful, unless otherwise authorized by the Governor in Council, to import goods, wares, or merchandize from any port or place out of Canada in any vessel which has not been duly registered and has not a certificate of registry on board.

Sections 141 to 150, relating to the exportation of goods, require that any vessel outward-bound shall deliver to the Collector a proper entry and report of all goods on board, and prohibits officers giving clearances until such report and entry has been made, and fixes penalties for non-observance of these requirements.

Section 37 gives authority to the Governor in Council to make regulations respecting coasting voyages. These regulations you will find embodied in an Order in Council bearing date the 17th April, 1883: they declare what shall be considered a coasting trade, and what vessels only can be allowed to conduct such trade, viz., only British registered vessels and boats wholly owned by British subjects, and such other boats and vessels as may be owned by the subjects of countries included in any Treaty with Great Britain, by which the coasting trade is mutually conceded.

As there is no reciprocal coasting trade existing between Great Britain and the United States, United States' vessels cannot be allowed to in any manner participate in such trade.

Coasters are not permitted to go on a foreign voyage without reporting in the same manner as would be required from all vessels not coasters.

Foreign vessels or boats must not be allowed to go from place to place in Canadian

waters for the purpose of making up or seeking a cargo, as such a course would be in violation of the Coasting Regulations.

The Collector of a port may assign to such vessels a landing berth at any one place within the limits of his jurisdiction, but must not allow vessels to go from place to place in order to fill up or take in her cargo.

No permits are to be given under any circumstances by Customs officers, under cover of which, or under pretext of which, any law or regulation can be evaded.

Stringent means must be taken to confine all small or unregistered vessels within the strict limits allowed by law and regulations.

Vessels or boats of any kind or class, although of Canadian build, or owned by Canadians, which have been entered as personal property, or otherwise, and on which duty has been paid in any foreign port, must be considered strictly as foreign boats, and excluded from any rights that might attach to them had they not been so entered, as such entry changes their nationality, as much so as if they had been formally registered.

In order to insure the better protection of the revenue, it is absolutely necessary that these instructions receive your closest attention, and that all vessels, irrespective of their nationality, be required to observe the same.

(Signed) W. G. PARMELEE, *Assistant Commissioner.*

Collector of Customs,
Port of

No. 125.

Sir L. West to the Earl of Iddesleigh.—(Received October 23.)

My Lord,

Washington, October 12, 1886.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 30th ultimo, and to inform your Lordship that I have communicated to the Secretary of State copies of the certified Reports of the Canadian Privy Council dealing with the question of the 3-mile limit off Canso and with the action of the Canadian authorities with regard to the United States' vessel "Novelty" and the action of the Canadian cruiser "Middleton."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 126.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, October 23, 1886.

WITH reference to Mr. Hardinge's despatch of the 10th August last, I transmit to you herewith a copy of a letter from the Colonial Office,* inclosing a copy of a despatch from the Officer administering the Government of Canada relative to the alleged unfriendly treatment of the United States' fishing schooner "Rattler" in Shelburne Harbour; and I have to request that you will communicate a copy of the despatch from Canada to Mr. Bayard in reply to his representations on the subject.

I am, &c.

(Signed) IDDESLEIGH.

No. 127.

Mr. Bramston to Sir J. Pouncefote.—(Received October 26.)

Sir,

Downing Street, October 25, 1886.

WITH reference to your letter of the 2nd August last, inclosing copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, with a note from Mr. Bayard, protesting against the alleged action of Captain Kent, of the Dominion cruiser "General Middleton," in refusing Stephen A. Balkam permission to buy fish from Canadians, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of

* No. 123.

Iddesleigh, a copy of a despatch from the Officer administering the Government of Canada, with its inclosure upon the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 127.

Administrator Lord A. Russell to Mr. Stanhope.

Sir,

Halifax, Nova Scotia, September 25, 1886.

WITH reference to your despatch of the 5th ultimo, transmitting a copy of a letter from the Foreign Office, with a copy of a note from Mr. Bayard, protesting against the action of Captain Kent, of the Dominion cruiser "General Middleton," in refusing Stephen A. Balkam permission to buy fish from Canadians, I have the honour to forward herewith a copy of an approved Report of a Committee of the Privy Council, embodying a Report by my Minister of Marine and Fisheries on the subject.

I have, &c.
(Signed) A. G. RUSSELL, *General.*

Inclosure 2 in No. 127.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Administrator of the Government in Council on the 21st September, 1886.

THE Committee of the Privy Council have had under their consideration a despatch dated the 5th August, 1886, from the Right Honourable the Secretary of State for the Colonies, transmitting a copy of a letter from the Foreign Office with a copy of a note from Mr. Bayard, and protesting against the action of Captain Kent, of the Dominion cruiser "General Middleton," in refusing Stephen A. Balkam permission to buy fish from Canadians.

The Minister of Marine and Fisheries, to whom the despatch and inclosures were referred, submits the following Report from the first officer of the "General Middleton":—

"Halifax, August 25, 1886.

"I have the honour to state that when boarding several boats in St. Andrew's Bay I asked Stephen R. Balkam if the boat he was in was American? He replied that he thought she was. I informed him that if she was American he could not take fish from the weirs on the English side without a permit from the Collector of Customs at St. Andrew's or West Isles.

"He asked permission to take the fish from the weirs in Kelly's Cove without a permit. I declined to accede to his request.

"Mr. Balkam went around the point in his boat, and after accosting several others, I met him again evidently trying to evade my instructions. I told him that he must not take the fish without permission from the Customs. He left for the American shore, and I returned to the 'Middleton.'

"Mr. Stephen R. Balkam I have known for some years. He formerly belonged to St. Andrew's, but is now living in Eastport. His business is to carry sardines from the English side to Eastport for canning purposes."

The Minister is of opinion, in view of the above, that in warning Mr. Balkam that if his boat belonged to the United States he could not take herring from the weirs without first having reported at the custom-house, Mr. Kent acted within the scope of the law and his instructions.

The Committee respectfully advise that your Excellency be moved to transmit a copy of this Minute to the Right Honourable the Secretary of State for the Colonies, as requested in his despatch of the 5th August last.

(Signed) JOHN J. MCGEE, *Clerk, Privy Council, Canada.*

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No. 128.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, October 30, 1886.

WITH reference to Mr. Hardinge's despatch of the 17th July last, inclosing a copy of a note from the United States' Secretary of State, protesting against the action of Captain Kent, of the Canadian cruiser "General Middleton," in expelling Stephen R. Balkam from the harbour of St. Andrew's, New Brunswick, I transmit to you herewith a copy of a letter from the Colonial Office,* inclosing a copy of a certified Report of the Privy Council for Canada upon the subject.

I have to request that you will communicate a copy of the Report to Mr. Bayard in reply to his note.

I am, &c.

(Signed) IDDESLEIGH.

No. 129.

Sir L. West to the Earl of Iddesleigh.—(Received November 1.)

My Lord,

Washington, October 20, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, bringing to the notice of Her Majesty's Government the case of the United States' fishing-vessel "Everett Steele," which is alleged to have entered the port of Shelburne, Nova Scotia, for shelter, water, and repairs, and to have been detained by the captain of the Canadian cruiser "Terror."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 129.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, October 19, 1886.

THE "Everett Steele," a fishing-vessel of Gloucester, Massachusetts, in the United States, of which Charles E. Forbes, an American citizen, was master, was about to enter, on the 10th September, 1886, the harbour of Shelburne, Nova Scotia, to procure water and for shelter during repairs. She was hailed when entering the harbour by the Canadian cutter "Terror," by whose captain, Quigley, her papers were taken and retained. Captain Forbes, on arriving off the town, anchored, and went with Captain Quigley to the Custom-house, who asked him whether he reported whenever he had come in. Captain Forbes answered that he had reported always, with the exception of a visit on the 25th March, when he was driven into the lower harbour for shelter by a storm, and where he remained only eight hours. The Collector did not consider that this made the vessel liable, but Captain Quigley refused to discharge her; said he would keep her until he heard from Ottawa, put her in charge of policemen, and detained her until the next day, when at noon she was discharged by the Collector. But a calm having come on she could not get to sea, and by the delay her bait was spoiled and the expected profits of her trip lost.

It is scarcely necessary for me to remind you, in presenting this case to the consideration of your Government, that when the north-eastern coast of America was wrested from France in a large measure by the valour and enterprise of New England fishermen, they enjoyed, in common with other British subjects, the control of the fisheries with which that coast was enriched; and that by the Treaty of Peace of 1783, which, as was said by an eminent English Judge when treating an analogous question, was a Treaty of "Separation," this right was expressly affirmed.

It is true that by the Treaty of 1818 the United States renounced a portion of its rights in these fisheries, retaining, however, the old prerogatives of visiting the bays and harbours of the British north-eastern possessions for the purpose of obtaining wood, water, and shelter, and for objects incidental to those other rights of territoriality so retained and confirmed. What is the nature of these incidental prerogatives it is not, in considering this case, necessary to discuss. It is enough to say that Captain Forbes entered the harbour of Shelburne to obtain shelter and water; and that he had as much right to be there under the Treaty of 1818, confirming in this respect the ancient

* No. 127.

privileges of American fishermen on those coasts, as he would have had on the high seas, carrying on, under shelter of the flag of the United States, legitimate commerce. The Government which you so honourably represent has, with its usual candour and magnanimity, conceded that when a merchant-vessel of the United States is stopped in time of peace by a British cruiser on the groundless suspicion of being a slave-trader, damages are to be paid to this Government, not merely to redress the injury suffered, but as an apology for the insult offered to the flag of the United States. But the case now presented to you is a much stronger one than that of a seizure on the high seas of a ship unjustly suspected of being a slaver. When a vessel is seized on the high seas on such a suspicion its seizure is not on waters where its rights, based on prior and continuous ownership, are guaranteed by the Sovereign making the seizure. If, in such case, the property of the owners is injured, it is, however wrongful the act, a case of rare occurrence, on seas comparatively unfrequented, with consequences not very far reaching; and if a blow is struck at a system of which such vessel is unjustly supposed to be a part, such system is one which the civilized world execrates. But seizures of the character of that which I now present to you have no such features. They are made in waters not only conquered and owned by American fishermen, but for the very purpose for which they were being used by Captain Forbes, guaranteed to them by two successive Treaties between the United States and Great Britain. These fishermen, also, I may be permitted to remind you, were engaged in no nefarious trade. They pursue one of the most useful and meritorious of industries; they gather from the seas, without detriment to others, a food which is nutritious and cheap for the use of an immense population; they belong to a stock of men which contributed before the revolution most essentially to British victories on the North-eastern Atlantic; and it may not be out of place to say, they have shown since that revolution, when serving in the navy of the United States, that they have lost none of their ancient valour, hardihood, and devotion to their flag.

The indemnity which the United States has claimed, and which Great Britain has conceded, for the visitation and search of isolated merchantmen seized on remote African seas on unfounded suspicion of being slavers, it cannot do otherwise now than claim, with a gravity which the importance of the issue demands, for its fishermen seized on waters in which they have as much right to traverse for shelter as have the vessels by which they are molested. This shelter, it is important to observe, they will as a class be debarred from, if annoyances, such as I now submit to you, are permitted to be inflicted on them by minor officials of the British provinces.

Fishermen, as you are aware, have been considered, from the usefulness of their occupation, from their simplicity, from the perils to which they are exposed, and from the small quantity of provisions and protective implements they are able to carry with them, the wards of civilized nations; and it is one of the peculiar glories of Great Britain that she has taken the position—a position now generally accepted—that even in time of war they are not to be the subjects of capture by hostile cruisers. Yet, in defiance of this immunity thus generously awarded by humanity and the laws of nations, the very shelter which they own in these seas, and which is ratified to them by two successive Treaties, is to be denied to them, not, I am confident, by the act of the wise, humane, and magnanimous Government you represent, but by deputies of deputies permitted to pursue, not uninfluenced by local rivalry, these methods of annoyance in fishing waters which our fishermen have as much right to visit on lawful errands as those officials have themselves. For let it be remembered that by annoyances and expulsions such as these, the door of shelter is shut to American fishermen as a class.

If a single refusal of that shelter such as the present is sustained, it is a refusal of shelter to all fishermen pursuing their tasks in those inhospitable coasts. Fishermen have not funds enough nor outfit enough, nor, I may add, recklessness enough, to put into harbours where, perfect as is their title, they meet with such treatment as that suffered by Captain Forbes.

To sanction such treatment, therefore, is to sanction the refusal to the United States' fishermen as a body of that shelter to which they are entitled by ancient right, by the law of nations, and by solemn Treaty. Nor is this all. That Treaty is a part of a system of mutual concessions. As was stated by a most eminent English Judge in the case of "*Sutton v. Sutton*" (1 Myl. and K., 675), which I have already noticed, it was the principle of the Treaty of Peace, and of the Treaties which followed between Great Britain and the United States, that the "subjects of the two parts of the divided Empire should, notwithstanding the separation, be protected in the mutual enjoyment" of the rights these Treaties affirmed. If, as I cannot permit myself to believe, Great Britain should refuse to citizens of the United States the enjoyment of the plainest and most

undeniable of these rights, the consequences would be so serious that they cannot be contemplated by this Government but with the gravest concern.

I have, &c.
(Signed) T. F. BAYARD.

No. 130.

Sir L. West to the Earl of Iddesleigh.—(Received November 1.)

My Lord,

Washington, October 21, 1886.

IN connection with my preceding despatch, I have the honour to inclose to your Lordship herewith copy of a further note which I have received from the Secretary of State, together with copy of the document which accompanied it, drawing the attention of Her Majesty's Government to the case, as therein set forth, of the United States' fishing-vessel "Pearl Nelson," which it is alleged has been subjected to treatment by the Customs officials at Arichat, Nova Scotia, inconsistent with the international law of ordinary amity and hospitality, and also plainly violative of Treaty rights under the Convention of 1818 between Great Britain and the United States.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 130.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, October 20, 1886.

PERMIT me to ask you to draw the attention of your Government to the case set forth in the inclosed affidavit of Murdoch Kemp, master of the American fishing-vessel "Pearl Nelson," of Provincetown, Massachusetts, which has been subjected to treatment by the Customs officials at Arichat, Nova Scotia, inconsistent with the international law of ordinary amity and hospitality, and also plainly violative of Treaty rights under the Convention of 1818 between Great Britain and the United States.

The vessel in question was compelled by stress of weather to seek shelter in the harbour of Arichat, Nova Scotia, and arrived late at night, when the custom-house was closed.

Before the custom-house was opened the next day the captain went there, and after waiting over an hour the Collector arrived, and the usual inward report was made, and permission asked to land the clothing of a sailor lost overboard, whose family resided in that vicinity.

He was then informed that his vessel was seized for allowing his crew to go ashore the night before, before reporting at the custom-house.

The cruel irony of this was apparent when the Collector knew such report was impossible, and that the landing of the crew was usual and customary, and that no charge of smuggling had been suggested or was possible under the circumstances.

To compel the payment of a fine, or "a deposit" of 200 dollars, which is practically the same in its results, was harsh and unwarranted, and was adding a price and a penalty to the privilege of shelter guaranteed to American fishermen by Treaty.

This vessel was a fishing-vessel, and although seeking to exercise no commercial privileges was compelled to pay commercial fees, such as are applicable to trading-vessels, but at the same time was not allowed commercial privileges.

I beg you will lose no time in representing the wrong inflicted upon an unoffending citizen of the United States, and procure the adoption of such orders as will restore the money so compelled to be deposited.

I am, &c.
(Signed) T. F. BAYARD.

Inclosure 2 in No. 130.

Affidavit of Murdoch Kemp.

Schooner "Pearl Nelson," U.S.A., District of Massachusetts.

I, MURDOCH KEMP, of Provincetown, in Massachusetts, a citizen of the United States, on my oath do say:

That I was master and part owner of the schooner "Pearl Nelson," a vessel of the

United States, duly licensed, 1886, for the fisheries, and holding a permit to touch and trade during the existence of said licence.

I further say that the crew of said vessel were shipped on wages at Provincetown and Boston for a fishing voyage to the Grand Banks and return to Provincetown for discharge. Said schooner, with licence and permit as aforesaid, sailed the 29th May, 1886, from Provincetown, and on her passage home touched at Arichat, Cape Breton, driven in there by stress of weather. Sailed by the wind from Bank Quero, and blowing fresh, a heavy sea running, and foggy, made Point Michaux, 9 miles from Arichat. The vessel was deep, her dorys floated on deck in her lee waist, wind being about west. I concluded to make a harbour and wait for better weather and wind. I anchored the vessel in Arichat Harbour at 11 P.M. 2nd September, 1886.

I had lost a man on the Grand Banks, named James Sampson, who belonged to Arichat, and I wanted to land his effects if the Customs officers would allow me to. Some of my crew belonged in that neighbourhood. William Batino, my cook, and nine others of the crew took boats off the deck and went ashore, without asking my permission. I saw them, but had never known that was any objection. I had been in this and other British North American ports frequently, and witnessed the landing from my own and other vessels' crews, but never before heard such landing was illegal or improper. These men took nothing from the vessel with them, nor carried away anything but the clothes they wore.

From the time I left Provincetown I had been into no port anywhere. Next morning, after my arrival in Arichat, at half-past 8 o'clock, I went ashore to enter at the custom-house, but found it closed. I called at 9 o'clock, and it was not open. I went again at 10 o'clock, and found the Collector opening the office door. I made the regular inward report to him, and requested permission to land the clothes of James Sampson, who had been lost from my vessel on the Grand Banks.

He told me he had sent a man for me. After I got there this man came in the office and was holding my papers, and told the man to go back and take charge of the vessel. I asked him why he held my papers? He replied he seized her because I had allowed my men to go ashore before reporting at the custom-house. That all he would tell me was, he said, he would telegraph to Ottawa and find out what to do with me, and he did telegraph immediately. About 5 o'clock P.M. the Collector received an answer, and told me to deposit 200 dollars and the vessel would be released. The Collector would not allow me to land this dead man's clothes until after I had paid the 200 dollars fine. I gave the clothes to the shopkeeper, to be given to Sampson's widow or friends. I came out of Arichat about 11 A.M. on the 8th September, 1886, having bought there one bushel of potatoes, with the Collector's permit, and arrived at Provincetown the 14th September, 1886.

I sailed from Arichat with all my crew on board, and had not at any time intended to leave any of my crew at that port. They were hired men, shipped to be discharged on return at Provincetown, and on our arrival there were all paid off and discharged.

Some of the crew that went ashore at Arichat returned aboard as early as 7 o'clock, and all were aboard about the time the vessel was seized. I gave them no money there, and had none myself.

I further say I did not enter Arichat with any intention of violating any law of the Dominion of Canada, nor for any business, but solely because of the stress of weather that had driven me there. It was mere kindness only that prompted me to offer to land Sampson's clothes there, where his friends could get them. There was no profit to the vessel, crew, or myself expected in so doing, or attempted to be gained in entering the port of Arichat other than shelter from the stress of weather we had been under from Quero Bank. If any revenue law of Canada was violated by my vessel or by myself, the same was done through ignorance and inadvertence, and not with any intention to defraud the revenue or offend the law.

Personally appeared before me Murdoch Kemp, at Provincetown, State of Massachusetts, United States of America, this 27th day of September, 1886, who subscribed and made oath to the foregoing.

(Signed) MURDOCH KEMP.

(Seal.) (Signed) JAMES GIFFORD,
Notary Public.

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No. 131.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, November 4, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you a copy of a despatch from Her Majesty's Minister at Washington, remonstrating against the action of the Canadian authorities in detaining the United States' fishing-vessel "Everett Steele," which is alleged to have entered Shelburne Harbour for shelter, water, and repairs.*

I am to request that you will move Mr. Secretary Stanhope to ask for an immediate Report from the Canadian Government upon the circumstances of this case; and I am to suggest that the opportunity might perhaps be taken to urge upon the Dominion Government the great importance of issuing stringent instructions to all officials connected with the fisheries, to the effect that great care should be taken not to interfere with the privileges expressly reserved to American fishermen under Article I of the Convention of 1818.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 132.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, November 4, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Minister at Washington,† containing a Protest from Mr. Bayard against the action of the Customs officials at Arichat in the case of the American fishing-vessel "Pearl Nelson;" and I am to request that the Canadian Government may be asked to furnish a Report on the subject.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 133.

Mr. Bramston to Sir J. Pauncefote.—(Received November 5.)

Sir,

Downing Street, November 4, 1886.

WITH reference to the Bill passed by the Parliament of Canada at its last Session, and reserved by the Governor-General of the Dominion for the signification of Her Majesty's pleasure, entitled "An Act further to amend the Act respecting fishing by foreign vessels," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch upon the subject, which was received in this Department in August last, together with a copy of the reply which has been returned to it.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 133.

The Marquis of Lansdowne to Earl Granville.

(Extract.)

Citadel, Quebec, July 29, 1886.

I HAVE the honour to forward herewith a copy of an approved Report of a Committee of the Privy Council in reference to the Act entitled "An Act further to amend the Act respecting fishing by foreign vessels," which was passed at its last Session by the Parliament of Canada, and which, as your Lordship will remember, was reserved by me for the signification of Her Majesty's pleasure thereon.

2. Your Lordship will observe that, for the reasons offered by the Minister of Justice,

* No. 129.

† No. 130

my Government recommends that the attention of Her Majesty's Government may be drawn to the necessity for having the Royal Assent given at as early a day as possible to the Act above referred to. Your Lordship has already been fully informed of the circumstances under which this Bill was originally introduced, and which are again recurred to in the Report now submitted.

4. I inclose herewith copy of clause 17 of the Act No. 85 mentioned by the Minister, and I apprehend that there can be no doubt that should the President at any time determine to issue a Proclamation such as that contemplated in the clause, Canadian vessels would become liable to seizure and forfeiture in consequence of acts for which, as the law now stands, it might not be possible to enforce the same penalties against vessels of the United States.

Inclosure 2 in No. 133.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 21st July, 1886.

ON a Report dated the 17th July, 1886, from the Honourable Mr. Thompson, for the Minister of Marine and Fisheries, submitting the following observations in reference to the Act entitled "An Act further to amend the Act respecting fishing by foreign vessels," which was passed at its last Session by the Parliament of Canada, and which has been reserved by your Excellency for the assent of Her Majesty the Queen.

A full and careful consideration of the subject with which the Act deals made apparent the necessity for such a measure for the enforcement, within Canadian waters, of the Statutes which have been already passed in the Imperial and Canadian Parliaments for carrying out the provisions of the Treaty of 1818 between Great Britain and the United States.

The Statute 59, Geo. III, cap. 38, provides the penalty of forfeiture as to any foreign fishing-vessels found fishing, or to have been fishing, or preparing to fish within 3 marine miles of any of the coasts, bays, creeks, or harbours in any part of Her Majesty's dominions in America, &c.

The Canadian Act of 1868 (chapter 61), entitled "An Act respecting fishing by foreign vessels," and its amendments, followed the Imperial Act and established the same penalty for the same offences. For all other offences against the Treaty and against the Imperial Act above referred to the only penalty now provided by Statute is that mentioned in section 4 of the Imperial Act, viz., the penalty of 200*l.*, to be recovered in the Superior Courts.

The Minister has had his attention called to the fact, that the ordinary common law remedy for violation of a Statute, viz., indictment as for a misdemeanour, is an unsuitable one for such cases, because it would involve long personal imprisonment, even before trial (as the defendants would generally be foreigners without available security to offer for their appearance), and would after conviction be followed in nearly all cases by a further term of imprisonment, as the persons on whom the penalties would fall would probably be unable to bear a considerable fine.

It is obvious that the mere right to bring a suit against the masters of offending fishing-vessels is a remedy of little or no avail. Before Judgment for the 200*l.* could be obtained, the persons sued would be almost certain to be out of the jurisdiction of the Dominion Courts, and the enforcement of the Judgment would for that reason become in most cases impossible, even if the defendants possessed the means from which the Judgment could be realized.

The Minister submits that the penalty of forfeiture applied by the 2nd section of the Imperial Statute, and by the Canadian Act, to the offence of fishing, &c., would be a suitable and most available penalty for the infringement of the Statutes.

It cannot be claimed by the United States' Government to be an excessive or an unreasonable penalty, because, by Statute No. 85 of the United States' Congress, lately assented to by the President of the United States, the same penalty is established against foreign vessels, whose masters, officers, or agents do any act which may be contrary to any Proclamation issued under that Statute.

The Committee concurring in the foregoing Report, and considering the great value of the Canadian fishing-grounds, and the necessity which exists for their protection from encroachments by foreign fishermen, in order that these natural resources may be made available to our own people, recommends that the attention of Her Majesty's Government be drawn to this subject, and that representations be made as to the necessity for

having the Royal Assent given at as early a day as possible to the Act of last Session, which is before referred to.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, *Clerk, Privy Council.*

Inclosure 3 in No. 133.

Section 17 of Bill No. 85 passed by the United States' Congress, 1886.

THAT, whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels [the coastwise trade excepted] shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbours, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his Proclamation excluding on and after such time as he may indicate from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country; and on and after the date named in such Proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country, excluded by said Proclamation from the exercise of any commercial privileges, shall do any act prohibited by said Proclamation in the ports, harbours, or waters of the United States for or on account of such vessel, such vessel and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States, and any person opposing any officer of the United States in the enforcement of this Act, or aiding and abetting any other person in such opposition, shall forfeit 800 dollars, and shall be guilty of a misdemeanour, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

Inclosure 4 in No. 133.

Mr. Stanhope to the Marquis of Lansdowne.

My Lord,

Downing Street, November 4, 1886.

I HAVE the honour to acknowledge the receipt of your despatch of the 29th July last, inclosing a copy of an approved Report of your Privy Council in reference to the Bill recently passed by the Parliament of Canada, and reserved by you for the signification of Her Majesty's pleasure, entitled "An Act further to amend the Act respecting fishing by foreign vessels."

Her Majesty's Government, after having given their most attentive consideration to the question and to the views which have been urged by your Ministers, and having, moreover, had the advantage of considering the representations which you have yourself made upon the subject during your recent visit to this country, have come to the conclusion that they would not be justified in advising Her Majesty to withhold her assent from the Bill in question.

They will, therefore, be prepared to submit the Bill to Her Majesty for confirmation on receiving a transcript of it properly authenticated in the usual form.

I have, &c.

(Signed) EDWARD STANHOPE.

No. 134.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, November 5, 1886.

I HAVE received your despatches dated respectively the 20th and 21st ultimo, containing copies of notes addressed to you by Mr. Bayard concerning the action of the Canadian authorities in the cases of the American fishing-vessels "Everett Steele" and "Pearl Nelson;" and I have to request you to inform Mr. Bayard that the Dominion Government have been asked to furnish immediate Reports upon these two cases.

I am, &c.

(Signed) IDDESLEIGH.

Mr. Bramston to Sir J. Pauncefote.—(Received November 18.)

Sir,

Downing Street, November 17, 1886.

WITH reference to the letters noted in the margin,* relating to the cases of the United States' fishing-vessels "Rattler," "Julia Ellen," and "Shilo," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Idlesleigh, a copy of a despatch from the Governor-General of Canada, inclosing Reports from the authorities of the Dominion in reference to these cases.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 135.

Acting Governor Lord A. Russell to Mr. Stanhope.

Sir,

Halifax, Nova Scotia, October 29, 1886.

I HAVE the honour to forward herewith a copy of an approved Minute of the Privy Council of Canada, furnishing the Report asked for in your despatch of the 1st September last, respecting the alleged unfriendly treatment of the United States' fishing schooner "Rattler" in being required to report to the Collector of Customs at Shelburne, Nova Scotia, when seeking that harbour for shelter.

I beg also to draw your attention to the statement of the Captain of the "Terror," appended to the above Order in Council, which gives the facts concerning the cases of the "Shilo" and "Julia Ellen," a Report as to which was requested in your despatch of the 9th ultimo.

I have, &c.

(Signed) A. G. RUSSELL, *General.*

Inclosure 2 in No. 135.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Administrator of the Government in Council on the 28th day of October, 1886.

THE Committee of the Privy Council have had their attention called by a cablegram from the Right Honourable Mr. Stanhope as to when he may expect answer to despatch No. 195, "Rattler."

The Honourable Mr. Bowell for the Minister of Marine and Fisheries, to whom the papers were referred, submits, for the information of his Excellency in Council, that, having considered the statements, copies of which are annexed, of Captain Quigley, of the Government cutter "Terror," and of the Collector of Customs at Shelburne, with reference to the subject-matter of the despatch, he is of opinion that these officers only performed their respective duties in the case of the "Rattler," and that no just grounds exist for the complaint put forward in Mr. Bayard's despatch of a violation of that hospitality which all civilized nations prescribe, or of a gross infraction of Treaty stipulations.

The Minister states that it does not appear at all certain from the statements submitted that this vessel put into Shelburne for a harbour in consequence of stress of weather. It does, however, appear that immediately upon the "Rattler" coming into port Captain Quigley sent his chief officer to inform the captain of the "Rattler" that before sailing he must report his vessel at the Custom-house, and left on board the "Rattler" a guard of two men to see that no supplies were landed or taken on board, or men allowed to leave the vessel during her stay in Shelburne Harbour. That at midnight the guard fired a shot as a signal to the cruiser, and the first officer at once again proceeded to the "Rattler," and found the sails being hoisted and the anchor weighed preparatory to leaving port. The captain being informed he must comply with the Customs Regulations and report his vessel, headed her up the harbour. That on the

* To Colonial Office, August 26; Colonial Office, September 18; to ditto, September 27; Colonial Office, October 15; to ditto, September 4, 1886.

way up she became becalmed, when the first officer of the "Terror" took the captain of the "Rattler" in his boat and rowed him to the town, where the Collector of Customs received his Report at the unusual hour of 6 A.M. rather than detain him, and the captain with his vessel proceeded to sea.

The Minister observes that under section 25 of the Customs Act every vessel entering a port in Canada is required to immediately report at the Customs, and the strict enforcement of this Regulation, as regards the United States' fishing-vessels, has become a necessity in view of the illegal trade transactions carried on by the United States' fishing-vessels when entering Canadian ports under pretext of their Treaty privileges.

That under these circumstances, a compliance with the Customs Act, involving only the report of a vessel, cannot be held to be a hardship or an unfriendly proceeding.

The Minister submits, in view of the repeated groundless complaints of being harshly treated that have been made during the present season by captains of United States' fishing-vessels, and in almost every instance traceable to a refusal or neglect to observe the Customs Regulations, which, it is proper to state, are enforced upon other vessels as well as those of the United States, herewith a letter written by Captain Blake, of the United States' fishing schooner "Andrew Burnham," which appeared in the Boston (Massachusetts) "Herald" of the 7th instant, and also the editorial comments thereon made in a subsequent issue of the paper referred to.

The Minister believes that the statements made by Captain Blake are strictly accurate, and as applied to other vessels are substantiated by the weekly boarding Reports received by the Fishery Department from the different captains engaged in the Fisheries Protection Service; he, the Minister, therefore, respectfully submits that the reflections of Mr. Secretary Bayard, characterizing the treatment extended to the captain of the "Rattler" as unwarrantable and unfriendly, is not merited in view of the facts as stated by Captain Quigley and Collector Attwood.

The Committee concur in the Report of the Acting Minister of Marine and Fisheries, and advise that your Excellency be moved to transmit a copy of this Minute, if approved, to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk, Privy Council.

Inclosure 3 in No. 135.

Extract from the "Boston Herald" of October 9, 1886.

A FISHING CAPTAIN'S EXPERIENCE.—The letter of Captain Nathan F. Blake, of the fishing schooner "Andrew Burnham," of this city, which we published on Wednesday, would apparently indicate that the Canadian officials have not been disposed to push the requirements of their law quite as vigorously as some of our fishermen have maintained. Captain Blake says he has experienced not the least trouble in his intercourse with the Canadian officials, but that as he treated them courteously, they, on their side, have reciprocated in like terms. There is, undoubtedly, a great deal of bitterness felt on both sides, and probably this bitterness has led both parties to be ungracious in their own conduct, and to exaggerate the wrongs they have endured, hardships frequently due to an unwillingness to observe the requirements of the law as these are now laid down. If all American fishing captains exhibited the same courtesy and moderation that Captain Blake has shown, we imagine that there would be very little trouble in arriving at an equitable and pleasing understanding with Canada.

Inclosure 4 in No. 135.

Captain Quigley to Major Tilton.

Sir,

Shelburne, September 30, 1886.

I BEG to acknowledge the receipt of your letter of the 27th instant, requesting the circumstances connected with the boarding of the vessels "Rattler," "Julia and Ellen," and "Shilo."

In the case of the "Rattler," she came into Shelburne Harbour on the evening of the 4th August at 6 o'clock. She being at some distance from where I was anchored, and it being too rough to send my boat so far, I fired a musket signal for her to round-to, which she did, and came to an anchor alongside of my vessel.

I then sent the chief officer to board her; he reported she put in for shelter. The captain was then told by the chief officer to report his vessel before he sailed, and that he must not let his men on shore, and that he would leave two men who are always armed on board to see that he did not otherwise break the law.

About midnight the captain hoisted his sails to leave port, thereby evading the Customs Law requiring him to report (for which I refer you to section 25 of the Customs Act), and disregarding my instructions.

The watchmen fired a signal, calling my attention to his act, when I sent the chief officer to tell him he must lower his sails and report his vessel in the morning, otherwise he would likely have his vessel detained. He did so, and sailed up in company with the chief officer at 4 o'clock A.M. On the way it fell calm, and the vessel anchored. The chief officer with my boat's crew rowed him up to the Custom-house, where he reported at 6 A.M. and returned, passing out to sea at 8 A.M. The captain was only asked to report his vessel as all others do, but was not disposed to do so.

In the case of the "Julia and Ellen," she came into the harbour of Liverpool on the 9th August about 5 P.M. Being some distance from me, I fired a blank musket shot to round her to. When she anchored I boarded her, and the captain reported that he came in for water. I told him to report his vessel in the morning, as it was then after Customs hours, and that he must not let his men ashore, and that I would leave two men on his vessel to see that my instructions were carried out, and to see that he did not otherwise break the law.

In the morning at 8 o'clock I called for the captain to go to the Custom-house, and told him his men could go on and take water while he was reporting, so that he would be all ready to sail when he returned, which they did, and he sailed at noon.

In the case of the "Shilo," she came into the harbour about 6 P.M. on the 9th August at Liverpool, and a signal was fired in her case the same as the others.

When she anchored I boarded her, and the captain reported she was in for water. I told him it was then too late to report at the Customs till morning, and that he must not allow his crew on shore, also that I would leave two men on board to see that he did not otherwise break the law, and that my instructions were carried out.

In the morning I called for the captain, when taking the "Julia and Ellen's" captain ashore. When there I told him, as I did the other, that his men could go on taking water while he was reporting, so that he could sail when he returned, and not be delayed; this they did not do.

I have reason to know that it was not water this vessel came in for, as several of the crew lived there, and it was for the purpose of letting his men ashore, and not for taking water, that he put in. He afterwards emptied six barrels of water, stating that they were sour, and fooled all day filling them, delaying the time that he might get his crew on shore. I refused to allow his crew on shore for any other purpose than to take water, after completing which, the weather being fine, I ordered him to sea in the evening.

The signals that were fired were not intended to make them come to quickly, but as a signal for them to either round to or show their ensign.

After the "Shilo" sailed, the Harbour-master informed me that she landed two men at the mouth of the harbour 7 miles down before she reported, and the evening she sailed she called after dark and picked them up.

In many cases it is an understood thing between the captains and crews to let the men ashore and then make out they have deserted. In all cases where a vessel puts in for shelter the captain reports, and the rest of his crew are not allowed ashore, as the vessel only put in for the privilege of shelter, and for no other purpose.

When she puts in for water, after reporting, the captain is allowed to take his boats and the men he requires to procure water, and the rest remain on board, after which he is ordered to sea. When in for repairs he is allowed all the privileges he requires after reporting, and when ready, is ordered to sea. In all cases, except when in for repairs, I place men on board to see that the law is not violated, as many of those vessels put into the harbour and make taking water and seeking shelter an excuse either to get men or land them, or to allow them a chance to see their friends, or to get goods ashore if the vessel is on her way from American ports to the fishing-grounds, and have landed men here and at other ports on this coast in my absence.

In one case in this port a vessel, finding I was in the harbour, let men take a boat and land, she going on her way home to the States. That is why I put men on these vessels, to keep them from breaking the law under cover of night.

I might remark here that the Collector of Customs at Liverpool informed me that the "Shilo," on her previous voyage, remained in port five days after being ordered out, delaying for the purpose of letting the men be with their friends.

Now that they are not allowed all the privileges they once enjoyed, it is an outrage on my part.

These are the facts connected with those vessels, which I reported to Captain Scott while in Halifax some time ago.

I treat all courteously, but firmly, and find no trouble with any but a few who wish to evade the law.

I am, &c.
(Signed) THOMAS QUIGLEY,
Government Cruizer "Terror."

Inclosure 5 in No. 135.

Mr. Attwood to the Commissioner of Customs, Ottawa.

Sir,

Custom-House, Shelburne, September 6, 1886.

I HAVE to acknowledge the receipt of your telegram of the 4th instant relative to schooner "Rattler," and I wired an answer this morning as requested.

On the morning of the 4th ultimo chief officer of "Terror, accompanied by Captain A. F. Cunningham, called at this Office. Captain Cunningham reported his vessel inwards as follows: viz., schooner "Rattler," of Gloucester, 93 tons register, 16 men, from fishing banks with 465 barrels mackerel came in for shelter.

I was afterwards informed by the officer of cutter that they found the schooner the evening before at anchor off Sandy Point, 5 miles down the harbour. Two men from cutter were put on board, and the master required to report at Customs in the morning. I was also informed that the master, Captain Cunningham, made an attempt to put to sea in the night, by hoisting sails, weighing anchor, &c., but was stopped by officer from cutter.

I am, &c.
(Signed) W. H. ATTWOOD, Collector.

Inclosure 6 in No. 135.

Extract from the "Montreal Gazette" of October 13, 1886.

A FISHERMAN'S TALE.—The following letter, which appears in the Boston "Herald," conveys a different impression to many statements that have appeared on the subject:—

"So much has been written and printed about the experiences of American fishermen in Canadian waters, and the indignities put on them, I wish you would open your columns and give your readers an insight into the other side of the story. I sailed from Boston for North Bay on the 16th June, not knowing just what the cutters would do, or how the law would be interpreted. I neared the coast with fear and anxiety. The first land sighted was Whitehead, and immediately cries came from aloft: "Cutter in sight, a-head!" I rushed to the deck, found the vessel, which proved to be the "Howlet," commanded by Captain Lowry, nearing us rapidly. At time of sighting the cutter we were standing inshore. She hoisted her flags to let us know what she was, and we immediately "about ship," and put to sea to get out of her way, for fear we might be placed on the prize-list of the captures. We finally headed up for Port Mulgrave, in Canso, expecting to receive rough usage from the authorities, but, to our surprise, found Collector Murray a perfect gentleman, willing to assist me as far as he could without encroaching on the Canadian laws. From there we put in at Port Hawkesbury, and boarded the cutter "Conrad," and asked the Captain for instructions in regard to the 3-mile limit, and what privileges, if any, we had. I was answered, in a courteous and hearty way, that he did not have them aboard, but would go ashore in a few moments and get me a printed copy of the Regulations, which he did, and assured us that if we followed them we would be unmolested; that he was there to see that the law was not violated, but not to cause unnecessary annoyance. After receiving instructions from the captain, thanks to him, I went to the Custom-house and entered my vessel, paying 25 cents. I found a very pleasant gentleman in the Collector, who did all in his power to relieve my mind and make us comfortable. Souris was our next port of landing, where we also reported and were well treated. From there we went to Malpeque, where

we found another gentleman in the Collector. We met the cutter "Howlet" at Cassumpece, and had several interviews with the Commander, Captain Lowry, whom I found a quiet, just, and gentlemanly officer. My vessel was one of the fleet ordered out of harbour by him. At that time it was as good a fish day as one could ask for, and the instructions were plain that at such times we had no right to remain in harbour. At no time is there much water to spare on the bar, and it is a common occurrence for vessels to ground in going in or out, and that some did touch was due to ignorance of the channel or carelessness on the part of captains. At the time the order was issued the weather was fair, but before all the fleet could work out through the channel, one of the sudden changes in weather, so much to be dreaded on such a coast, came, and the cutter rescinded the order and the fleet returned. It has been printed in a Boston paper that, owing to being forced to sea by the cutter's orders in bad weather, my schooner, the "Andrew Burnham," fouled two Englishmen and narrowly escaped serious damage. If true, it would look like a hardship. It was simply this: In getting under way, in a small and crowded space, finding I would not have room, I dropped our starboard anchor. That not holding, we let go the other, and it brought us up all right; not much in this to point to as an outrage or danger from stress of weather. I believe Captain Lowry to be a man who would carry out all the requirements of the Canadian Laws, but I saw nothing in my experience in those waters that could be considered as being arbitrary, or taking a mean advantage of his official authority to annoy any one. Captain Lowry has been a master of vessels for twenty-five years, is a man of high reputation as a seaman, and as good a judge of whether the weather is favourable for a vessel to go to sea as any man who walks a deck, and when he ordered the fleet to sea he went himself, and I know he would not order a vessel to leave harbour if there was any danger of loss of life or property. We reported at Cascumpec, and were treated the same as at all other ports we touched at. If our vessels would attend to reporting at the Custom-house, the same as they do in our ports, no trouble would be met with.

"If we had 'free fish' it would give the Canadians some recompense for what our fishermen want, viz., the right to go anywhere and everywhere, use their harbours, ship men, get provisions, land and mend our nets, buy salt and barrels, and ship our catch home by rail or steamer without expense or annoyance, the same as we have heretofore.

"If we had had that privilege this year, myself and vessel would have been 5,000 dollars better off this season, and all the fishermen in the bay would have been in the same boat with me. I do not say that I am too honest not to fish within the 3-mile limit, nor do I believe there is a vessel in the fleet who would not, if the cutter was out of sight. I made two trips to the bay, both of which were very successful, and I lived up to the requirements of the law as well as I knew how, and did not find them obnoxious, or to interfere with my success, and everywhere I went I was courteously treated by the officials, especially so by both the cutters. Should it be a bay year next season, I hope to meet them again. Those who openly preached that they would go where they pleased, do what they wanted to in spite of law or cutters, shipped men, smuggled or openly fished inside of the limit, and indulged in the satisfaction of damning the cutter, the Captain, the Government, and everything else when they knew they could do it with impunity, and that the men they were talking to could not resent it by word or blow, were looked after sharp, and were not extended the courtesy that was shown so many of us.

"In the interest of fair play, I could not help writing you and asking you to give this to your readers, if not taking up too much of your valuable space.

"Very respectfully,
(Signed) "Capt. NATHAN F. BLAKE,
"Schooner 'Andrew Burnham,' of Boston.

"Boston, October 6, 1886."

No. 136.

Sir R. Herbert to Sir J. Pauncefote.—(Received November 19.)

Sir,

Downing Street, November 18, 1886.

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch, with its inclosure, from the Officer administering the Government of Canada, respecting the action of the Canadian

cutter "Terror" in lowering the flag of the United States' fishing schooner "Marion Grimes."

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 136.

Acting Governor Lord A. Russell to Mr. Stanhope.

Sir, *Halifax, Nova Scotia, October 27, 1886.*

I HAVE the honour to transmit herewith a copy of an approved Minute of the Privy Council of Canada expressing the regret of my Government at the action of the Captain of the Canadian cutter "Terror" in lowering the United States' flag from the United States' fishing schooner "Marion Grimes," of Gloucester, Massachusetts, while that vessel was under detention at Shelburne, Nova Scotia, by the Collector of Customs at that port for an infraction of the Customs Regulations.

I have communicated a copy of this Order in Council to Her Majesty's Minister at Washington.

I have, &c.
(Signed) A. G. RUSSELL, *General.*

Inclosure 2 in No. 136.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Administrator of the Government in Council on the 26th October, 1886.

ON a Report, dated the 14th October, 1886, from the Honourable Mackenzie Bowell, for the Minister of Marine and Fisheries, stating that on Monday, the 11th October instant, the United States' fishing schooner "Marion Grimes," of Gloucester, Massachusetts, was under detention at Shelburne, Nova Scotia, by the Collector of Customs at that port, for an infraction of the Customs Regulations, that while so detained and under the surveillance of the Canadian Government cutter "Terror" the captain of the "Marion Grimes" hoisted the United States' flag.

The Minister further states that it appears that Captain Quigley, of the "Terror," considered such act as an intimation that there was an intention to rescue the vessel, and requested Captain Landry to take the flag down. This request was complied with; an hour later, however, the flag was again hoisted, and on Captain Landry being asked if his vessel had been released and replying that she had not, Captain Quigley again requested that the flag be lowered. This was refused, when Captain Quigley himself lowered the flag, acting under the belief that while the "Marion Grimes" was in possession of the Customs authorities, and until her case had been adjudicated upon, the vessel had no right to fly the United States' flag.

The Minister regrets that he should have acted with undue zeal, although Captain Quigley may have been technically within his right while the vessel was in the custody of the law.

The Committee advise that your Excellency be moved to forward a copy of this Minute, if approved, to the Right Honourable the Secretary of State for the Colonies and to Her Majesty's Minister at Washington, expressing the regret of the Canadian Government at the occurrence.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, *Clerk, Privy Council.*

No. 137.

Mr. Bramston to Sir J. Pauncefote.—(Received November 20.)

Sir, *Downing Street, November 19, 1886.*

WITH reference to the correspondence noted in the margin,* respecting the action of the Customs officer at Magdalene Island in the case of the United States' fishing-

* Nos. 92 and 99.

vessel "Mascotte," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch, with its inclosure, from the Officer administering the Government of Canada on the subject.

I am to point out that the concluding paragraph of Sir L. West's note to Mr. Bayard of the 17th September should have referred to the case of Newfoundland only.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 137.

Acting Governor Lord A. Russell to Mr. Stanhope.

Sir,

Halifax, Nova Scotia, October 30, 1886.

WITH reference to your telegraphic message of the 22nd August, and to your despatch of the 25th August, transmitting copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, with a note from Mr. Bayard complaining of the action of the Customs officer at Magdalen Islands, with reference to the American fishery schooner "Mascotte," I have the honour to forward herewith a copy of an approved Minute of the Privy Council of Canada, embodying a Report of the Minister of Marine and Fisheries on the subject.

I have, &c.
(Signed) A. G. RUSSELL, *General.*

Inclosure 2 in No. 137.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Administrator of the Government in Council for Canada on the 30th day of October, 1886.

THE Committee of the Privy Council have had under consideration a telegram of the 22nd August and a despatch of the 25th August last, from the Right Honourable the Secretary of State for the Colonies, transmitting copy of a letter from Her Majesty's Minister at Washington, inclosing a note from Mr. Secretary Bayard, complaining of the action of the Customs officer at Magdalen Islands, with reference to the American fishing schooner "Mascotte."

The Minister of Marine and Fisheries, to whom the correspondence was referred, observes that Mr. Bayard, in his note to the British Minister at Washington says:—

"I am also in possession of the affidavit of Alex. T. Vachem, master of the American fishing schooner 'Mascotte,' who entered Port Amherst, Magdalen Islands, and was there threatened by the Customs official with seizure of his vessel, if he attempted to obtain bait for fishing or take a pilot."

And from a Report of the Customs officer at Magdalen Islands, a copy of which, so far as it relates to the case in point, is hereto annexed, it appears that no grounds exist for the complaint made by the master of the "Mascotte."

The Minister states that Captain Vachem was served with a printed copy of the "warning," and was, in addition, informed by the Collector that under the Treaty of 1818 he had no right to buy bait or to ship men. He was not forbidden to take fish, but, on the contrary, the Collector pointed out to him on the Chart the places in which, by the Convention of 1818, he, as a United States' fisherman, had the right to inshore fishing, and one of the places so pointed out to him was the Magdalen Islands.

Notwithstanding the "warning" and the personal explanation of the Collector, it appears that Captain Vachem did go up the country and attempt to hire men, and upon his return informed the Collector that he could not get any. For this, clearly an illegal act, he was not interfered with by the Collector.

The Minister further observes that the Convention of 1818, while it grants to United States' fishermen the right of fishing in common with British subjects on the shores of the Magdalen Islands, does not confer upon them privileges of trading or of shipping men, and it was against possible acts of the latter kind, and not against fishing inshore, or seeking the rights of hospitality guaranteed under the Treaty, that Captain Vachem was warned by the Collector.

With reference to the remarks of the Colonial Secretary that "Her Majesty's Government would recommend that special instructions should be issued to the autho-

rities at the places where the inshore fishery has been granted by the Convention of 1818 to the United States' fishermen, calling their attention to the provisions of that Convention, and warning them that no action contrary thereto may be taken in regard to United States' fishing-vessels," the Minister states that the Circular instructions issued to Collectors of Customs recite the Articles of the Convention of 1818, which grant to United States' fishermen the right to take fish upon the shores of the Magdalen Islands, and of certain parts of the coasts of Labrador and Newfoundland, which instructions the Collector in question had received, and the import of which his Report shows him to be familiar with.

In addition to this the Commander of the fishery protection steamer "La Canadienne" was ordered to visit Magdalen Islands and explain fully to Collectors there the extent of their powers.

The Minister, in view of these instructions, printed and oral, does not deem it necessary to send further special orders.

The Committee concurring in the foregoing Report advise that your Excellency be moved to transmit a copy hereof, if approved, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk, Privy Council.

Inclosure 3 in No. 137.

Mr. Poinchaud to the Minister of Marine and Fisheries.

Sir, *Custom-house, Magdalen Islands, August 28, 1886.*

I BEG to acknowledge the receipt of your telegram respecting captain of the schooner "Mascotte's" report in reference to my having threatened him with seizure.

I replied, on receipt: "'Mascotte,' information incorrect. Particulars per mail Tuesday."

Particulars.—On arrival of the captain I served him a "warning," personally informed him he could not buy [? bait] or ship men.

I say this to all American fishermen. He tried, however, to hire, went up the country to hire, but could not hire a man.

I saw him and men go up, and on his return he told me he could not hire. I did not oppose him. He intended halibutting at Seven Islands Dominion. I found this out since. I deny having said I would seize him if he obtained bait, himself or crew. I did not use the term, but it suits the captain or owners to use it as it serves their meaning to make the report good.

I particularly showed him where, on the Chart, he had the right to fish inshore, to wit: at the Magdalen Islands, Cape Ray, &c., as per Treaty in my hands then.

I think I was very lenient with him and all American fishermen calling here, knowing their privileges.

I treated them so gentlemanly that I am surprised to hear he made the above inaccurate report to you.

Yours, &c.

(Signed) J. B. F. POINCHAUD,
Collector of Customs.

No. 138.

Sir L. West to the Earl of Iddesleigh.—(Received November 21.)

My Lord, *Washington, November 9, 1886.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 30th ultimo, and to inform your Lordship that, in obedience to the instructions therein contained, I have communicated to the Secretary of State a copy of the certified Report of the Privy Council for Canada on his note of the 16th July last, protesting against the action of Captain Kent, of the Canadian cruiser "General Middleton," in expelling Stephen R. Balkham from the harbour of St. Andrew's, New Brunswick.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Sir R. Herbert to Sir J. Pauncefote.—(Received November 23.)

Sir,

Downing Street, November 23, 1886.

WITH reference to your letters of the 4th instant, respecting the alleged proceedings of the Canadian authorities in the case of the United States' fishing-vessels "Pearl Nelson" and "Everett Steele," I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Iddesleigh, a copy of a telegram which he addressed to the Governor-General of Canada requesting a report on the subject.

Copies of your letters, with inclosures, will be duly forwarded to Lord Lansdowne by the next mail.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 139.

Mr. Secretary Stanhope to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, November 6, 1886.

UNITED STATES' Government protest against proceedings of Canadian authorities in case of "Pearl Nelson" and "Everett Steele," said to have put into Arichat and Shelburne respectively for purposes sanctioned by Convention. Particulars by post. Send Report as soon as possible.

No. 140.

Sir L. West to the Earl of Iddesleigh.—(Received November 26.)

My Lord,

Washington, November 12, 1886.

I HAVE the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, together with copies of the statements accompanying it, describing the inhospitable and inhuman conduct of the Collector of the port of Shelburne, Nova Scotia, and the conduct of Captain Quigley, commanding the Canadian cruiser "Terror," in their dealings with the American fishing-vessels "Laura Sayward" and "Jennie Seaverns."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 140.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, November 11, 1886.

I HAVE the honour to inclose herewith copies of the statements with affidavits from Captain Medeo Rose, master of the schooner "Laura Sayward," of Gloucester, Massachusetts, and of Captain Joseph Tupper, master of the schooner "Jennie Seaverns," also of Gloucester, forwarded to me by the Collector of the port of Gloucester, under date of 5th instant.

The first impressively describes the inhospitable and inhuman conduct of the Collector of the port of Shelburne, Nova Scotia, in refusing to allow Captain Rose to buy sufficient food for himself and crew to take them home, besides unnecessarily retaining his papers, and thus preventing him, with a wholly inadequate supply of provisions, from proceeding on his voyage.

The second complaint is of Captain Quigley, commanding the Canadian cruiser "Terror," in not only preventing Captain Tupper from landing to visit his relatives in Liverpool, Nova Scotia, but even forbidding his relatives from coming on board his vessel to see him, and likewise placing a guard on board of her to insure that result.

While I need not comment further than I have already done in previous notes on

the unjust and unwarrantable acts of the Dominion officials of late towards our fishermen, of which the instances now presented are but repetitions, I must notice the new phase of Captain Quigley's abuse of authority in actually making Captain Tupper a prisoner on board of his own vessel, and in preventing his relatives, whom he states he had not seen for many years, from meeting him.

Such conduct, apart from all its legal and international aspects, is wholly unworthy of any one intrusted with the execution of a public duty, and inconsistent with the national reputation for humanity and courtesy of an officer in Her Majesty's Service.

I have, &c.

(Signed) T. F. BAYARD.

Inclosure 2 in No. 140.

Affidavit of Medeo Rose.

I, MEDEO ROSE, master of schooner "Laura Sayward," of Gloucester, being duly sworn, do depose and say, that on Saturday, the 2nd October, being then on Western Bank on a fishing trip, and being short of provisions, we hove up our anchor and started for home. The wind was blowing almost a gale from the north-west, and being almost dead ahead we made slow progress on our voyage home. On Tuesday, the 5th October, we made Shelburne, Nova Scotia, and arrived in that harbour about 8 P.M. on that day, short of provisions, water, and oil to burn. On Wednesday I sailed for the inner harbour of Shelburne, arriving at the town about 4 P.M. On going ashore I found the Custom-house closed, and hunted up the Collector and entered my vessel, and asked permission from him to buy 7 lbs. of sugar, 3 lbs. of coffee, $\frac{1}{2}$ to 1 bushel of potatoes, and 2 lbs. of butter, or lard, or pork, and oil enough to last us home, and was refused. I stated to him my situation, short of provisions and a voyage of 250 miles before us, and plead with him for this slight privilege, but of no avail. I then visited the American Consul, and asked his assistance, and found him powerless to aid me in this matter. The Collector of Customs held my papers until the next morning, although I asked for them as soon as I found I could not buy any provisions, say, about an hour and a-half after I entered, but he refused to give them to me until the next morning. Immediately on receiving my papers on Thursday morning, I started for home, arriving on Sunday. I think the treatment I received harsh and cruel, driving myself and crew to sea with a scant supply of provision, we having but little flour and water, and liable to be buffeted about for days before reaching home.

(Signed) MEDEO ROSE.

Mass., Essex, s.s.

Personally appeared Medeo Rose and made oath to the truth of the above statement.

Before me,

(Seal) (Signed) AARON PARSONS, N.P.
October 13, 1886.

Inclosure 3 in No. 140.

Affidavit of Joseph Tupper.

I, JOSEPH TUPPER, master of schooner "Jennie Seaverns," of Gloucester, being duly sworn, do depose and say, that on Thursday, the 28th October, while on my passage home from a fishing trip, the wind blowing a gale from south-east, and a heavy sea running, I was obliged to enter the harbour of Liverpool, Nova Scotia, for shelter. Immediately on coming to anchor was boarded by Captain Quigley, of Canadian cruiser "Terror," who ordered me to go on shore at once and enter at the Custom-house, to which I replied that such was my intention.

He gave me permission to take two men in the boat with me, but they must remain in the boat, and not step on shore. I asked Captain Quigley if I could, after entering, visit some of my relations who resided in Liverpool, and whom I had not seen for many years. This privilege he denied me; after entering, having returned to my vessel, some of my relatives came off to see me. When Captain Quigley saw their boat alongside of my vessel he sent an officer and boat's crew, who ordered them away, and at sun-down he

placed an armed guard on board our vessel who remained on board all night, and was taken off just before we sailed in the morning.

I complied with the Canadian laws, and had no intention or desire to violate them in any way, but to be made a prisoner on board my own vessel, and treated like a suspicious character, grates harshly upon the feelings of an American seaman, and I protest against such treatment, and respectfully ask from my own Government protection from such unjust, unfriendly, and arbitrary treatment.

(Signed) JOSEPH TUPPER.

Mass., Essex, s.s.

Personally appeared Joseph Tupper and made oath to the truth of the above statement.

Before me,
(Seal) (Signed) AARON PARSONS, N.P.
November 4, 1886.

No. 141.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, November 26, 1886.

I TRANSMIT to you a copy of a letter from the Colonial Office, inclosing a copy of a despatch from the Governor-General of Canada, with copies of Reports from the Dominion authorities, relative to the causes of complaint alleged by the masters of the United States' fishing-vessels "Rattler," "Shiloh," and "Julia Ellen," against Captain Quigley, of the Canadian cruizer "Terror."*

I have to request that you will communicate a copy of the Governor-General's despatch, with its inclosures, to the Secretary of State of the United States, in reply to the notes which he addressed to Mr. Hardinge and to you, on the subject on the 9th and 18th August last, copies of which notes were inclosed in Mr. Hardinge's despatch of the 10th August, and in your despatch of the 19th August, respectively.

I am, &c.
(Signed) IDDESLEIGH.

No. 142.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, November 26, 1886.

WITH reference to my despatch of the 4th September last, I transmit to you herewith a copy of a letter from the Colonial Office, inclosing a copy of a despatch, with its inclosures, from the Officer administering the Government of Canada, respecting the action of the Customs officer at Magdalene Island in the case of the United States' fishing-vessel "Mascotte;"† and I have to request that you will communicate a copy of the despatch, with its inclosures, to the United States' Secretary of State.

I am, &c.
(Signed) IDDESLEIGH.

No. 143.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, November 26, 1886.

I TRANSMIT to you herewith a copy of a letter from the Colonial Office, inclosing a copy of a despatch, with its inclosure, from the Officer administering the Government of Canada, expressing the regret of the Dominion Government at the action of the Captain of the Canadian cutter "Terror," in lowering the United States' flag from the

* No. 135.

† No. 137.

United States' fishing-schooner "Marion Grimes," of Gloucester, Massachusetts, while that vessel was under detention at Shelburne, Nova Scotia;* and I have to request that you will communicate a copy of the despatch, with its inclosure, from the Officer administering the Government of Canada to the Secretary of State of the United States.

I am, &c.
(Signed) IDDESLEIGH.

No. 144.

Sir R. Herbert to Sir J. Pauncefote.—(Received November 27.)

Sir, *Downing Street, November 25, 1886.*
I AM directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Governor-General of Canada, forwarding an authenticated copy of the Reserved Act passed by the Dominion Parliament, entitled "An Act further to amend the Act respecting Fishing by Foreign Vessels."
I am to add that this Act will be submitted for the Queen's Assent at the next Council.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 144.

The Marquis of Lansdowne to Mr. Stanhope.

Sir, *Government House, Ottawa, November 9, 1886.*
IN accordance with the request contained in your telegram of the 2nd instant, I have the honour to forward herewith a certified copy of the Bill entitled "An Act further to amend the Act respecting Fishing by Foreign Vessels," which was passed by the Parliament of Canada last Session.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 144.

(L.S.) *Office of the Clerk of the Parliaments.*

I, ÉDOUARD JOSEPH LANGEVIN, Clerk of the Parliaments, Custodian of the Statutes of the Legislatures of the late Provinces of Upper and Lower Canada, of the late Province of Canada, and of the Parliament of Canada, certify the subjoined to be a true copy of the original Act passed by the Parliament of Canada, in the Session thereof held in the 49th year of Her Majesty's reign, and reserved by the Governor-General on Wednesday, the 2nd day of June, 1886, for the signification of Her Majesty's pleasure thereon.

Given under my hand and seal, at the city of Ottawa, Canada, on the 3rd day of November, 1886.

(Signed) ÉDOUARD G. LANGEVIN,
Clerk of the Parliaments.

An Act further to Amend the Act respecting Fishing by Foreign Vessels.

Whereas it is expedient, for the more effectual protection of the inshore fisheries of Canada against intrusion by foreigners, to further amend the Act intituled "An Act respecting Fishing by Foreign Vessels," passed in the 31st year of Her Majesty's reign, and chaptered 61: therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The section substituted by the 1st section of the Act 33 Vict., cap. 15,

* Inclosures in No. 136.

entitled “An Act to amend the Act respecting Fishing by Foreign Vessels,” for the 3rd section of the hereinbefore-recited Act, is hereby repealed, and the following section substituted in lieu thereof:—

3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat, being within any harbour in Canada, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbours in Canada, into port, and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination he shall incur a penalty of 400 dollars; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (a) has been found fishing or preparing to fish, or to have been fishing in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbours of Canada, not included within the above-mentioned limits, without a licence, or after the expiration of the term named in the last licence granted to such ship, vessel, or boat under the 1st section of this Act; or (b) has entered such waters for any purpose not permitted by Treaty or Convention, or by any Law of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.”

2. The Acts mentioned in the schedule hereto are hereby repealed.

3. This Act shall be construed as one with the said “Act respecting Fishing by Foreign Vessels” and the amendments thereto.

SCHEDULE.

Acts of the Legislature of the Province of Nova Scotia.

Year, Reign, and Chapter.	Title of Act.	Extent of Repeal.
Revised Statutes, 3rd Series, cap. 94	Of the Coast and Deep-Sea Fisheries	The whole.
29 Vic. (1866), cap. 35 ..	An Act to amend Chapter 94 of the Revised Statutes, “Of the Coast and Deep-Sea Fisheries”	The whole.

ACT of the Legislature of the Province of New Brunswick.

Year, Reign, and Chapter.	Title of Act.	Extent of Repeal.
16 Vic. (1853), cap. 69 ..	An Act relating to the Coast Fisheries and for the Pre- vention of Illicit Trade	The whole.

No. 145.

Mr. Phelps to the Earl of Iddesleigh.—(Received November 29.)

My Lord, *Legation of the United States, London, November 27, 1886.*
I HAVE the honour to transmit herewith a copy of an instruction, under date of the 6th November, 1886, received by me from the Secretary of State of the United States, relative to the case of the United States' fishing-vessel the “Marion Grimes.”

The subject is so fully presented in this document, a copy of which I am authorized by the Secretary to place in the hands of your Lordship, that I can add nothing to what is therein set forth, except to request your Lordship's early attention to the case, which appears to be a very flagrant violation of the rights secured to American fishermen under the Treaty of 1818.

I have, &c.
(Signed) E. J. PHELPS.

Inclosure 1 in No. 145.

Mr. Bayard to Mr. Phelps.

Sir,

Department of State, Washington, November 6, 1886.

ON October 7, 1886, the United States' fishing-vessel, the "Marion Grimes," of Gloucester, Massachusetts, Alexander Landry, a citizen of the United States, being her captain, arrived shortly before midnight, under stress of weather, at the outer harbour of Shelburne, Nova Scotia. The night was stormy, with a strong head-wind against her, and her sole object was temporary shelter. She remained at the spot where she anchored, which was about 7 miles from the port of Shelburne, no one leaving her until 6 o'clock the next morning, when she hoisted sail in order to put to sea. She had scarcely started, however, before she was arrested and boarded by a boat's crew from the Canadian cruiser "Terror." Captain Landry was compelled to proceed to Shelburne, about 7 miles distant, to report to the Collector. When the report was made Captain Landry was informed that he was fined 400 dollars for not reporting on the previous night. He answered that the custom-house was not open during the time that he was in the outer harbour. He further insisted that it was obvious from the storm that caused him to take shelter in that harbour, from the shortness of his stay, and from the circumstances that his equipments were exclusively for deep-sea fishing, and that he had made no effort whatever to approach the shore, that his object was exclusively to find shelter. The fine, however, being imposed principally through the urgency of Captain Quigley, commanding the "Terror," Captain Landry was informed that he was to be detained at the port of Shelburne until a deposit to meet the fine was made. He consulted Mr. White, the United States' Consular Agent at Shelburne, who at once telegraphed the facts to Mr. Phelan, United States' Consul-General at Halifax, it being of great importance to Captain Landry, and to those interested in his venture, that he should proceed on his voyage at once. Mr. Phelan then telegraphed to the Assistant-Commissioner of Customs at Ottawa that it was impossible for Captain Landry to have reported while he was in the outer harbour on the 8th instant, and asking that the deposit required to release the vessel be reduced. He was told, in reply, that the Minister declined to reduce the deposit, but that it might be made at Halifax. Mr. Phelan at once deposited at Halifax the 400 dollars, and telegraphed to Captain Landry that he was at liberty to go to sea. On the evening of the 11th October Mr. Phelan received a telegram from Captain Landry, who had already been kept four days in the port, stating that "the Custom-house officers and Captain Quigley" refused to let him go to sea. Mr. Phelan the next morning called on the Collector at Halifax to ascertain if an order had issued to release the vessel, and was informed that the order had been given, "but that the Collector and Captain of the cruiser refused to obey it for the reason that the captain of the seized vessel hoisted the American flag while she was in custody of Canadian officials." Mr. Phelan at once telegraphed this state of facts to the Assistant Commissioner at Ottawa, and received, in reply, under date of the 12th August, the announcement that "Collector has been instructed to release the 'Grimes' from Customs seizure. This Department has nothing to do with other charges." On the same day a despatch from the Commissioner of Customs at Ottawa was sent to the Collector of Customs at Halifax reciting the order to release the "Grimes," and saying "this [the Customs] Department has nothing to do with other charges. It is Department of Marine."

The facts as to the flag were as follows:—

On the 11th October the "Marion Grimes," being then under arrest by order of local officials for not immediately reporting at the custom-house, hoisted the American flag. Captain Quigley, who, representing, as appeared, not the Revenue, but the Marine Department of the Canadian Administration, was, with his "cruizer," keeping guard over the vessel, ordered the flag to be hauled down. This order was obeyed, but about an hour afterwards the flag was again hoisted, whereupon Captain Quigley boarded the vessel with an armed crew and lowered the flag himself. The vessel was finally released under orders of the Customs Department, being compelled to pay 8 dollars costs in addition to the deposit of 400 dollars above specified.

The seriousness of the damage inflicted on Captain Landry and those interested in his venture will be understood when it is considered that he had a crew of twelve men, with full supplies of bait, which his detention spoiled.

You will at once see that the grievances I have narrated fall under two distinct heads. The first concerns the boarding by Captain Quigley of the "Marion Grimes" on the morning of the 8th October, and compelling her to go to the town of Shelburne,

there subjecting her to a fine of 400 dollars for visiting the port without reporting, and detaining her there arbitrarily four days, a portion of which time was after a deposit to meet the fine had been made.

This particular wrong I now proceed to consider with none the less gravity, because other outrages of the same class have been perpetrated by Captain Quigley. On the 18th August last I had occasion, as you will see by the annexed papers, to bring to the notice of the British Minister at this capital several instances of aggression on the part of Captain Quigley on our fishing-vessels. On the 19th October, 1886, I had also to bring to the British Minister's notice the fact that Captain Quigley had, on the 10th September, arbitrarily arrested the "Everett Steele," a United States' fishing-vessel, at the outer port of Shelburne. To these notes I have received no reply. Copies are transmitted, with the accompanying papers, to you, in connection with the present instruction, so that the cases, as part of a class, can be presented by you to Her Majesty's Government.

Were there no Treaty relations whatever between the United States and Great Britain,—were the United States' fishermen without any other right to visit those coasts than are possessed by the fishing craft of any foreign country simply as such, the arrest and boarding of the "Grimes," as above detailed, followed by forcing her into the port of Shelburne, there subjecting her to fine for not reporting, and detaining her until her bait and ice were spoiled, are wrongs which I am sure Her Majesty's Government will be prompt to redress. No Governments have been more earnest and resolute in insisting that vessels driven by stress of weather into foreign harbours should not be subject to port exactions than the Governments of Great Britain and the United States. So far has this solicitude been carried that both Governments, from motives of humanity, as well as of interest as leading Maritime Powers, have adopted many measures by which foreigners as well as citizens or subjects arriving within their territorial waters may be protected from the perils of the sea. For this purpose not merely light-houses and light-ships are placed by us at points of danger, but an elaborate life-saving service, well equipped with men, boats, and appliances for relief, studs our seaboard in order to render aid to vessels in distress, without regard to their nationality. Other benevolent organizations are sanctioned by Government which bestow rewards on those who hazard their lives in the protection of life and property in vessels seeking in our waters refuge from storms. Acting in this spirit the Government of the United States has been zealous, not merely in opening its ports freely, without charges to vessels seeking them in storm, but in insisting that its own vessels, seeking foreign ports under such circumstances, and exclusively for such shelter, are not under the law of nations subject to Custom-house exactions. "In cases of vessels carried into British ports by violence or stress of weather," said Mr. Webster in instructions to Mr. Everett, the 28th June, 1842, "we insist that there shall be no interference from the land with the relation or personal condition of those on board, according to the laws of their own country; that vessels under such circumstances shall enjoy the common laws of hospitality, subjected to no force, entitled to have their immediate wants and necessities relieved, and to pursue their voyage without molestation." In this case, that of the "Creole," Mr. Wheaton, in the "*Revue Française et Étrangère*" (IX, 345), and M. Legaré (4 Op. At. Gen., 98), both eminent publicists, gave opinions that a vessel carried by stress of weather or forced into a foreign port is not subject to the law of such port; and this was sustained by Mr. Bates, the Umpire of the Commission, to whom the claim was referred (Rep. Com. of 1853; 244, 245); "The municipal law of England [so he said] cannot authorize a Magistrate to violate the law of nations by invading with an armed force the vessel of a friendly nation that has committed no offence, and forcibly dissolving the relations which, by the laws of his country, the captain is bound to preserve and enforce on board. These rights, sanctioned by the law of nations, viz., the right to navigate the ocean and to seek shelter in case of distress or other unavoidable circumstances, and to retain over the ship, her cargo, and passengers, the law of her country, must be respected by all nations, for no independent nation would submit to their violation."

It is proper to state that Lord Ashburton, who conducted the controversy in its diplomatic stage on the British side, did not deny, as a general rule, the propositions of Mr. Webster. He merely questioned the applicability of the rule to the case of the "Creole." Nor has the principle ever been doubted by either Her Majesty's Government or the Government of the United States; while, in cases of vessels driven by storm on inhospitable coasts, both Governments have asserted it, sometimes by extreme measures of redress, to secure indemnity for vessels suffering under such circumstances from port exactions, or from injuries inflicted from the shore.

It would be hard to conceive of anything more in conflict with the humane policy of

Great Britain in this respect, as well as with the law of nations, than was the conduct of Captain Quigley towards the vessel in question on the morning of the 8th October.

In such coasts, at early dawn, after a stormy night, it is not unusual for boats, on errands of relief, to visit vessels which have been struggling with storm during the night. But in no such errand of mercy was Captain Quigley engaged. The "Marion Grimes," having found shelter during the night's storm, was about to depart on her voyage, losing no time while her bait was fresh and her ice lasted, when she was boarded by an armed crew, forced to go 7 miles out of her way to the port, and was there under pressure of Captain Quigley, against the opinion originally expressed of the Collector, subjected to a fine of 400 dollars with costs, and detained there, as I shall notice hereafter, until her voyage was substantially broken up. I am confident Her Majesty's Government will concur with me in the opinion that, as a question of international law, aside from Treaty and other rights, the arrest and detention under the circumstances of Captain Landry and of his vessel were in violation of the law of nations as well as the law of humanity, and that on this ground alone the fine and the costs should be refunded and the parties suffering be indemnified for their losses thereby incurred.

It is not irrelevant, on such an issue as the present, to inquire into the official position of Captain Quigley, "of the Canadian cruiser 'Terror.'" He was, as the term "Canadian cruiser" used by him enables us to conclude, not an officer in Her Majesty's distinctive service. He was not the Commander of a Revenue cutter, for the Head of the Customs Service of Canada disavowed him. Yet he was arresting and boarding, in defiance of law a vessel there seeking shelter, over influencing the Collector of the port into the imposition of a fine, hauling down with his own hand the flag of the United States, which was displayed over the vessel, and enforcing arbitrarily an additional period of detention after the deposit had been made, simply because the captain of the vessel refused to obey him by executing an order insulting to the flag which the vessel bore. If armed cruisers are employed in seizing, harassing, and humiliating storm-bound vessels of the United States on Canadian Coasts, breaking up their voyages and mulcting them with fines and costs, it is important, for reasons presently to be specified, that this Government should be advised of the fact.

From Her Majesty's Government redress is asked. And that redress, as I shall have occasion to say hereafter, is, not merely the indemnification of the parties suffering by Captain Quigley's actions, but his withdrawal from the waters where the outrages I represent to you have been committed.

I have already said that the claims thus presented could be abundantly sustained by the law of nations, aside from Treaty and other rights. But I am not willing to rest the case on the law of nations. It is essential that the issue between United States' fishing-vessels and the "cruiser 'Terror'" should be examined in all its bearings, and settled in regard not merely to the general law of nations, but to the particular rights of the parties aggrieved.

It is a fact that the fishing-vessel "Marion Grimes" had as much right, under the special relations of Great Britain and the United States, to enter the harbour of Shelburne, as had the Canadian cruiser. The fact that the "Grimes" was liable to penalties for the abuse of such right of entrance does not disprove its existence. Captain Quigley is certainly liable to penalties for his misconduct on the occasion referred to. Captain Landry was not guilty of misconduct in entering and seeking to leave that harbour, and had abused no privilege. But whether liable or no for subsequent abuse of the rights, I maintain that the right of free entrance into that port, to obtain shelter, and whatever is incident thereto, belonged as much to the American fishing-vessel as to the Canadian cruiser.

The basis of this right is thus declared by an eminent jurist and statesman, Mr. R. R. Livingston, the first Secretary of State appointed by the Continental Congress, in instructions issued on the 7th January, 1782, to Dr. Franklin, then at Paris, entrusted by the United States with the negotiation of Articles of peace with great Britain. "The arguments on which the people of America found their claim to fish on the banks of Newfoundland arise, first, from their having once formed a part of the British Empire, in which state they always enjoyed, as fully as the people of Britain themselves, the right of fishing on those banks. They have shared in all the wars for the extension of that right, and Britain could with no more justice have excluded them from the enjoyment of it (even supposing that one nation could possess it to the exclusion of another) while they formed a part of that Empire, than they could exclude the people of London or Bristol. If so, the only inquiry is, how have we lost this right. If we were tenants in common with Great Britain while united with her, we still continue so, unless by our own act we have relinquished our title. Had we parted with mutual consent, we should doubtless

have made partition of our common rights by Treaty. But the oppressions of Great Britain forced us to a separation (which must be admitted, or we have no right to be independent); and it cannot certainly be contended that those oppressions abridged our rights, or gave new ones to Britain. Our rights, then, are not invalidated by this separation, more particularly as we have kept up our claim from the commencement of the war, and assigned the attempt of Great Britain to exclude us from the fisheries, as one of the causes of our recurring to arms."

As I had occasion to show in my note to the British Minister in the case of the "Everett Steele," of which a copy is hereto annexed, this "tenancy in common," held by citizens of the United States in the fisheries, they were to "continue to enjoy" under the Preliminary Articles of 1782 as well as under the Treaty of Peace of 1783; and this right, as a right of entrance in those waters, was reserved to them, though with certain limitations in its use, by the Treaty of 1818. I might here content myself with noticing that the Treaty of 1818, herein reciting a principle of the law of nations as well as ratifying a right previously possessed by fishermen of the United States, expressly recognizes the right of these fishermen to enter the "bays or harbours" of Her Majesty's Canadian dominions, "for the purpose of shelter and of repairing damages therein." The extent of other recognitions of rights in the same clause need not here be discussed. At present it is sufficient to say that the placing an armed cruiser at the mouth of a harbour in which United States' fishing-vessels are accustomed and are entitled to seek shelter on their voyages, such cruiser being authorized to arrest and board our fishing-vessels seeking such shelter, is an infraction not merely of the law of nations, but of a solemn Treaty stipulation. That, so far as concerns the fisherman so affected, its consequences are far-reaching and destructive, it is not necessary here to argue. Fishing-vessels only carry provisions enough for each particular voyage; if they are detained several days on their way to the fishing-banks the venture is broken up. The arrest and detention of one or two operates upon all. They cannot, as a class, with their limited capital and resources, afford to run risks so ruinous. Hence, rather than subject themselves to even the chances of suffering the wrongs inflicted by Captain Quigley "of the Canadian cruiser 'Terror,'" on some of their associates, they might prefer to abandon their just claim to the shelter consecrated to them alike by humanity, ancient title, the law of nations, and by Treaty, and face the gravest peril and the wildest seas in order to reach their fishing grounds. You will therefore represent to Her Majesty's Government that the placing Captain Quigley in the harbour of Shelburne to inflict wrongs and humiliation on United States' fishermen there seeking shelter is, in connection with other methods of annoyance and injury, expelling United States' fishermen from waters access to which, of great importance in the pursuit of their trade, is pledged to them by Great Britain, not merely as an ancient right, but as part of a system of international settlement.

It is impossible to consider such a state of things without grave anxiety. You can scarcely represent this too strongly to Her Majesty's Government.

It must be remembered, in considering this system, so imperilled, that the preliminaries to the Article of 1782, afterwards adopted as the Treaty of 1783, were negotiated at Paris by Dr. Franklin, representing the United States, and Mr. Richard Oswald, representing Lord Shelburne, then Colonial Secretary, and afterwards, when the Treaty was finally agreed on, Prime Minister. It must be remembered also that Lord Shelburne, while maintaining the rights of the Colonies when assailed by Great Britain, was nevertheless unwilling that their independence should be recognized prior to the Treaty of Peace, as if it were a concession wrung from Great Britain by the exigencies of war. His position was that this recognition should form part of a Treaty of Partition, by which, as is stated by the Court in *Sutton v. Sutton*, 1 Rus. and M. 675, already noticed by me, the two great sections of the British Empire agreed to separate, in their Articles of Separation recognizing to each other's citizens or subjects certain territorial rights. Thus the continuance of the rights of the United States in the fisheries was recognized and guaranteed; and it was also declared that the navigation of the Mississippi, whose sources were in the imperfect condition of geographical knowledge of that day, supposed to be in British territory, should be free and open to British subjects and to citizens of the United States. Both Powers, also, agreed that there should be no further prosecutions or confiscations based on the war; and in this way were secured the titles to property held in one country by persons remaining loyal to the other. This was afterwards put in definite shape by the following Article (Article X) of Jay's Treaty:—

"It is agreed that British subjects who now hold lands in the Territories of the United States, and American citizens who now hold lands in the Dominion of His

Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein, and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens."

It was this Article which the Court, in *Sutton v. Sutton*, above referred to, held to be one of the incidents of the "separation" of 1783, of perpetual obligation unless rescinded by the parties, and hence not abrogated by the war of 1812.

It is not, however, on the continuousness of the reciprocities recognized by the Treaty of 1783 that I desire now to dwell. What I am anxious you should now impress upon the British Government is the fact that, as the fishery clause in this Treaty, a clause continued in the Treaty of 1818, was a part of a system of reciprocal recognitions which are interdependent, the abrogation of this clause, not by consent, but by acts of violence and of insult such as those of the Canadian cruiser "Terror," would be fraught with consequences which I am sure could not be contemplated by the Governments of the United States and Great Britain without immediate action being taken to avert them. To the extent of the system thus assailed I now direct attention.

When Lord Shelburne and Dr. Franklin negotiated the Treaty of Peace, the area on which its recognitions were to operate was limited. They covered, on the one hand, the fisheries; but the Map of Canada in those days, as studied by Lord Shelburne, gives but a very imperfect idea of the Territory near which the fisheries lay. Halifax was the only port of entry on the coast; the New England States were there, and the other nine provinces, but no organized Governments to the west of them. It was on this area only, as well as on Great Britain, that the recognitions and guarantees of the Treaty were at first to operate. Yet, comparatively small as this field may now seem, it was to the preservation over it of certain reciprocal rights that the attention of the negotiators was mainly given. And the chief of these rights were—(1) the fisheries, a common enjoyment in which by both parties took nothing from the property of either; and (2) the preservation to the citizens or subjects of each country of title to property in the other.

Since Lord Shelburne's Premiership this system of reciprocity and mutual convenience has progressed under the Treaties of 1842 and 1846, so as to give to Her Majesty's subjects, as well as to citizens of the United States, the free use of the River Detroit, on both sides of the Island Bois Blanc, and between that island and the American and Canadian shores, and all the several channels and passages between the various islands lying near the junction of the River St. Clair with the lake of that name. By the Treaty of 1846, the principle of common border privileges was extended to the Pacific Ocean. The still existing commercial Articles of the Treaty of 1871, further amplified those mutual benefits, by embracing the use of the inland water-ways of either country, and defining enlarged privileges of bonded transit by land and water through the United States for the benefit of the inhabitants of the Dominion. And not only by Treaties has the development of Her Majesty's American dominion, especially to the westward, been aided by the United States, but the vigorous contemporaneous growth under the enterprise and energy of citizens of the North-western States and territories of the United States has been productive of almost equal advantages to the adjacent possessions of the British Crown; and the favouring legislation by Congress has created benefits in the way of railway facilities, which, under the sanction of State Laws have been, and are freely and beneficially enjoyed by the inhabitants of the Dominion and their Government.

Under this system of energetic and co-operative development the Coast of the Pacific has been reached by the trans-continental lines of railway within the territorial limits of the respective countries, and as I have stated, the United States being the pioneers in this remarkable progress, have been happily able to anticipate and incidentally to promote the subsequent success of their neighbours in British America.

It will be scarcely necessary for you to say to Lord Iddesleigh that the United States in thus aiding in the promotion of the prosperity, and in establishing the security of Her Majesty's Canadian dominions, claims no particular credit. It was prompted, in thus opening its Territory to Canadian use, and incidentally for Canadian growth, in large measure by the consciousness that such good offices are part of a system of mutual convenience and advantage, growing up, under the Treaties of Peace, and assisted by the natural forces of friendly contiguity. Therefore, it is that we witness with surprise and painful apprehension the United States' fishermen hampered in their enjoyment of their undoubted rights in the fisheries.

The hospitalities of Canadian coasts and harbours, which are ours by ancient right,

and which these Treaties confirm, cost Canada nothing and are productive of advantage to her people. Yet, in defiance of the most solemn obligations, in utter disregard of the facilities and assistances granted by the United States, and in a way especially irritating, a deliberate plan of annoyances and aggressions has been instituted and plainly exhibited during the last fishing season, a plan calculated to drive these fishermen from shores where, without injury to others, they prosecute their own legitimate and useful industry.

It is impossible not to see that if the unfriendly and unjust system, of which the cases now presented are part, is sustained by Her Majesty's Government, serious results will almost necessarily ensue, great as is the desire of this Government to maintain the relations of good neighbourhood. Unless Her Majesty's Government shall effectually check these aggressions, a general conviction on the part of the people of the United States may naturally be apprehended that, as Treaty stipulations in behalf of our fishermen, based on their ancient rights, cease to be respected, the maintenance of the comprehensive system of mutual commercial accommodation between Canada and the United States could not reasonably be expected.

In contemplation of so unhappy and undesirable a condition of affairs I express the earnest hope that Her Majesty's Government will take immediate measures to avert its possibility.

With no other purpose than the preservation of peace and good-will, and the promotion of international amity, I ask you to represent to the statesmen charged with the administration of Her Majesty's Government the necessity of putting an end to the action of Canadian officials in excluding American fishermen from the enjoyment of their Treaty rights in the harbours and waters of the maritime provinces of British North America.

The action of Captain Quigley in hauling down the flag of the United States from the "Marion Grimes" has naturally aroused much resentment in this country, and has been made the subject of somewhat excited popular comment; and it is wholly impossible to account for so extraordinary and unwarranted an exhibition of hostility and disrespect by that official. I must suppose that only his want of knowledge of what is due to international comity and propriety, and overheated zeal as an officer of police could have permitted such action; but I am confident that, upon the facts being made known by you to Her Majesty's Government, it will at once be disavowed, a fitting rebuke be administered, and the possibility of a repetition of Captain Quigley's offence be prevented.

It seems hardly necessary to say that it is not until after condemnation by a Prize Court that the national flag of a vessel seized as a prize of war is hauled down by her captor. Under the 14th section of the 20th chapter of the Navy Regulations of the United States, the Rule in such cases is laid down as follows:—

"A neutral vessel, seized, is to wear the flag of her own country until she is adjudged to be a lawful prize by a competent Court."

But, *à fortiori*, is this principle to apply in cases of Customs seizures, where fines only are imposed and where no belligerency whatever exists. In the port of New York, and other of the countless harbours of the United States, are merchant-vessels to-day flying the British flag which from time to time are liable to penalties for violation of Customs Laws and Regulations. But I have yet to learn that any official assuming, directly or indirectly, to represent the Government of the United States, would, under such circumstances, order down, or forcibly haul down, the British flag from a vessel charged with such irregularity; and I now assert that if such act were committed, this Government, after being informed of it, would not wait for a complaint from Great Britain, but would at once promptly reprimand the parties concerned in such misconduct and would cause proper expression of regret to be made.

A scrupulous regard for international respect and courtesy should mark the intercourse of the officials of these two great and friendly nations, and anything savouring of the contrary should be unhesitatingly and emphatically rebuked. I cannot doubt that these views will find ready acquiescence from those charged with the administration of the Government of Great Britain.

You are at liberty to make Lord Iddesleigh acquainted with the contents of this letter, and, if desired, leave with him a copy.

I am, &c.
(Signed) T. F. BAYARD.

Inclosure 2 in No. 145.

Mr. Bayard to Sir L. West, August 18, 1886.

[See Inclosure in No. 101.]

Inclosure 3 in No. 145.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, October 19, 1886.

THE "Everett Steele," a fishing-vessel of Gloucester, Massachusetts, in the United States, of which Charles E. Forbes, an American citizen, was master, was about to enter, on the 10th September, 1886, the harbour of Shelburne, Nova Scotia, to procure water and for shelter during repairs. She was hailed, when entering the harbour, by the Canadian cutter "Terror," by whose captain, Quigley, her papers were taken and retained. Captain Forbes, on arriving off the town, anchored and went with Captain Quigley to the Custom-house, who asked him whether he reported whenever he had come in. Captain Forbes answered that he had reported always with the exception of a visit on the 25th March, when he was driven into the lower harbour for shelter by a storm, and where he remained only eight hours. The Collector did not consider that this made the vessel liable, but Captain Quigley refused to discharge her; said he would keep her until he heard from Ottawa, put her in charge of policemen, and detained her until the next day, when at noon she was discharged by the Collector. But a calm having come on, she could not get to sea, and by the delay her bait was spoiled and the expected profits of her trip lost.

It is scarcely necessary for me to remind you, in presenting this case to the consideration of your Government, that when the north-eastern coast of America was wrested from France, in a large measure by the valour and enterprise of New England fishermen, they enjoyed, in common with other British subjects, the control of the fisheries with which that coast was enriched, and that by the Treaty of Peace of 1783, which, as was said by an eminent English Judge when treating an analogous question, was a Treaty of "Separation," this right was expressly affirmed.

It is true that by the Treaty of 1818 the United States renounced a portion of its rights in these fisheries, retaining, however, the old prerogatives of visiting the bays and harbours of the British north-eastern possessions for the purpose of obtaining wood, water, and shelter, and for objects incidental to those other rights of territoriality so retained and confirmed. What is the nature of these incidental prerogatives, it is not, in considering this case, necessary to discuss. It is enough to say that Captain Forbes entered the harbour of Shelburne to obtain shelter and water, and that he had as much right to be there under the Treaty of 1818, confirming in this respect the ancient privileges of American fishermen on those coasts, as he would have had on the high seas, carrying on, under shelter of the flag of the United States, legitimate commerce. The Government which you so honourably represent has, with its usual candour and magnanimity, conceded that when a merchant-vessel of the United States is stopped in time of peace by a British cruiser on the groundless suspicion of being a slave-trader, damages are to be paid to this Government, not merely to redress the injury suffered, but as an apology for the insult offered to the flag of the United States. But the case now presented to you is a much stronger one than that of a seizure on the high seas of a ship unjustly suspected of being a slaver. When a vessel is seized on the high seas on such a suspicion, its seizure is not on waters where its rights, based on prior and continuous ownership, are guaranteed by the Sovereign making the seizure. If in such case the property of the owners is injured, it is, however wrongful the act, a case of rare occurrence, on seas comparatively unfrequented, with consequences not very far-reaching; and if a blow is struck at a system of which such vessel is unjustly supposed to be a part, such system is one which the civilized world execrates. But seizures of the character of that which I now present to you have no such features. They are made in waters not only conquered and owned by American fishermen, but for the very purpose for which they were being used by Captain Forbes, guaranteed to them by two successive Treaties between the United States and Great Britain.

These fishermen also, I may be permitted to remind you, were engaged in no nefarious trade. They pursue one of the most useful and meritorious of industries. They gather from the seas, without detriment to others, a food, which is nutritious and

cheap, for the use of an immense population. They belong to a stock of men which contributed before the revolution most essentially to British victories on the north-eastern Atlantic, and it may not be out of place to say they have shown since that revolution, when serving in the navy of the United States, that they have lost none of their ancient valour, hardihood, and devotion to their flag.

The indemnity which the United States has claimed, and which Great Britain has conceded, for the visitation and search of isolated merchantmen seized on remote African seas on unfounded suspicion of being slavers, it cannot do otherwise now than claim, with a gravity which the importance of the issue demands, for its fishermen seized on waters in which they have as much right to traverse for shelter as have the vessels by which they are molested. This shelter, it is important to observe, they will as a class be debarred from if annoyances such I now submit to you are permitted to be inflicted on them by minor officials of the British Provinces.

Fishermen, as you are aware, have been considered, from the usefulness of their occupation, from their simplicity, from the perils to which they are exposed, and from the small quantity of provisions and protective implements they are able to carry with them, the wards of civilized nations; and it is one of the peculiar glories of Great Britain that she has taken the position—a position now generally accepted—that even in time of war they are not to be the subjects of capture by hostile cruizers. Yet, in defiance of this immunity thus generously awarded by humanity and the laws of nations, the very shelter which they own in these seas, and which is ratified to them by two successive Treaties, is to be denied to them, not, I am confident, by the act of the wise, humane, and magnanimous Government you represent, but by deputies of deputies permitted to pursue, not uninfluenced by local rivalry these methods of annoyance in fishing waters which our fishermen have as much right to visit on lawful errands as those officials have themselves. For let it be remembered that by annoyances and expulsions such as these, the door of shelter is shut to American fishermen as a class.

If a single refusal of that shelter, such as the present is sustained, it is a refusal of shelter to all fishermen pursuing their task in those inhospitable coasts. Fishermen have not funds enough nor outfit enough, nor, I may add recklessness enough, to put into harbours where, perfect as is their title, they meet with such treatment as that suffered by Captain Forbes.

To sanction such treatment, therefore, is to sanction the refusal to the United States' fishermen as a body of that shelter to which they are entitled by ancient right, by the law of nations, and by solemn Treaty. Nor is this all. That Treaty is a part of a system of mutual concessions. As was stated by a most eminent English Judge in the case of *Sutton v. Sutton* (1 Russ and M., 675), which I have already noticed, it was the principle of the Treaty of Peace, and of the Treaties which followed between Great Britain and the United States, that the "subjects of the two parts of the divided Empire should, notwithstanding the separation, be protected in the mutual enjoyment" of the rights those Treaties affirmed. If, as I cannot permit myself to believe, Great Britain should refuse to citizens of the United States the enjoyment of the plainest and most undeniable of these rights, the consequences would be so serious that they cannot be contemplated by this Government but with the gravest concern.

I have, &c.

(Signed) T. F. BAYARD.

No. 146.

The Earl of Iddesleigh to Mr. Phelps.

Sir,

Foreign Office, November 30, 1886.

I HAVE given my careful consideration to the contents of the note of the 11th September last, which you were good enough to address to me in reply to mine of the 1st of the same month on the subject of the North American fisheries.

The question, as you are aware, has for some time past engaged the serious attention of Her Majesty's Government, and the notes which have been addressed to you in relation to it, both by my predecessor and by myself, have amply evinced the earnest desire of Her Majesty's Government to arrive at some equitable settlement of the controversy. It is, therefore, with feelings of disappointment that they do not find in your note under reply any indication of a wish on the part of your Government to enter upon negotiations based on the principle of mutual concessions, but rather a

suggestion that some *ad interim* construction of the terms of the existing Treaty should, if possible, be reached, which might for the present remove the chance of disputes; in fact, that Her Majesty's Government, in order to allay the differences which have arisen, should temporarily abandon the exercise of the Treaty rights which they claim, and which they conceive to be indisputable. For Her Majesty's Government are unable to perceive any ambiguity in the terms of Article I of the Convention of 1818; nor have they as yet been informed in what respects the construction placed upon that instrument by the Government of the United States differs from their own.

They would, therefore, be glad to learn, in the first place, whether the Government of the United States contest that, by Article I of the Convention, United States' fishermen are prohibited from entering British North American bays or harbours on those parts of the coast referred to in the second part of the Article in question for any purposes save those of *shelter, repairing damages, purchasing wood, and obtaining water*.

Before proceeding to make some observations upon the other points dealt with in your note, I have the honour to state that I do not propose in the present communication to refer to the cases of the schooners "Thomas F. Bayard" and "Mascotte," to which you allude.

The privileges manifestly secured to United States' fishermen by the Convention of 1818 in Newfoundland, Labrador, and the Magdalen Islands are not contested by Her Majesty's Government, who, whilst determined to uphold the rights of Her Majesty's North American subjects as defined in the Convention, are no less anxious and resolved to maintain in their full integrity the facilities for prosecuting the fishing industry on certain limited portions of the coast which are expressly granted to citizens of the United States. The communications on the subject of these two schooners which I have requested Her Majesty's Minister at Washington to address to Mr. Bayard cannot, I think, have failed to afford to your Government satisfactory assurances in this respect.

Reverting now to your note under reply, I beg to offer the following observations on its contents:—

In the first place, you take exception to my predecessor having declined to discuss the case of the "David J. Adams," on the ground that it was still *sub judice*, and you state that your Government are unable to accede to the proposition contained in my note of the 1st September last, to the effect that "it is clearly right, according to practice and precedent, that such diplomatic action should be suspended pending the completion of the judicial inquiry."

In regard to this point, it is to be remembered that there are three questions calling for investigation in the case of the "David J. Adams":—

1. What were the acts committed which led to the seizure of the vessel?
2. Was her seizure for such acts warranted by any existing laws?
3. If so, are those laws in derogation of the Treaty rights of the United States?

It is evident that the first two questions must be the subject of inquiry before the third can be profitably discussed, and that those two questions can only be satisfactorily disposed of by a judicial inquiry. Far from claiming that the United States' Government would be bound by the construction which the British Tribunals might place on the Treaty, I stated in my note of the 1st September that if that decision should be adverse to the views of your Government, it would not preclude further discussion between the two Governments and the adjustment of the question by diplomatic action.

I may further remark that the very proposition advanced in my note of the 1st September last, and to which exception is taken in your reply, has, on a previous occasion, been distinctly asserted by the Government of the United States under precisely similar circumstances, that is to say, in 1870, in relation to the seizure of American fishing-vessels in Canadian waters, for alleged violation of the Convention of 1818.

In a despatch of the 29th October, 1870, to Mr. W. A. Dart, United States' Consul-General at Montreal (which is printed at p. 431 of the volume for that year of the Foreign Relations of the United States, and which formed part of the correspondence referred to by Mr. Bayard in his note to Sir L. West of the 20th May last), Mr. Fish expressed himself as follows:—

"It is the duty of the owners of the vessels to defend their interests before the Courts at their own expense, and without special assistance from the Government at this stage of affairs. It is for those Tribunals to construe the Statutes under which they act. If the construction they adopt shall appear to be in contravention of our

Treaties with Great Britain, or to be (which cannot be anticipated) plainly erroneous in a case admitting of no reasonable doubt, it will then become the duty of the Government—a duty which it will not be slow to discharge—to avail itself of all necessary means for obtaining redress.”

Her Majesty's Government, therefore, still adhere to their view, that any diplomatic discussion as to the legality of the seizure of the “David J. Adams” would be premature until the case has been judicially decided.

It is further stated in your note that “the absence of any Statute authorizing proceedings or providing a penalty against American fishing-vessels for purchasing bait or supplies in a Canadian port to be used in lawful fishing” affords “the most satisfactory evidence that up to the time of the present controversy no such construction has been given to the Treaty by the British or by the Colonial Parliament as is now sought to be maintained.”

Her Majesty's Government are quite unable to accede to this view, and I must express my regret that no reply has yet been received from your Government to the arguments on this and all the other points in controversy which are contained in the able and elaborate Report (as you courteously describe it) of the Canadian Minister of Marine and Fisheries, of which my predecessor communicated to you a copy.

In that Report reference is made to the argument of Mr. Bayard, drawn from the fact that the proposal of the British negotiators of the Convention of 1818, to the effect that American fishing-vessels should carry no merchandize, was rejected by the American negotiators; and it is shown that the above proposal had no application to American vessels resorting to the Canadian coasts, but only to those exercising the right of inshore fishing and of landing for the drying and curing of fish on parts of the coasts of Newfoundland and Labrador. The Report, on the other hand, shows that the United States' negotiators proposed that the right of “procuring bait” should be added to the enumeration of the four objects for which the United States' fishing-vessels might be allowed to enter Canadian waters; and that such proposal was rejected by the British negotiators, thus showing that there could be no doubt in the minds of either party at the time that the “procuring of bait” was prohibited by the terms of the Article.

The Report, moreover, recalls the important fact that the United States' Government admitted, in the case submitted by them before the Halifax Commission in 1877, that neither the Convention of 1818 nor the Treaty of Washington conferred any right or privilege of trading on American fishermen; that the “various incidental and reciprocal advantages of the Treaty, such as the privileges of traffic, purchasing bait, and other supplies, are not the subject of compensation, because the Treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them.”

This view was confirmed by the ruling of the Commissioners.

Whilst I have felt myself bound to place the preceding observations before you, in reply to the arguments contained in your note, I beg leave to say that Her Majesty's Government would willingly have left such points of technical detail and construction for the consideration of a Commission properly constituted to examine them, as well as to suggest a means for either modifying their application, or substituting for them some new arrangement of a mutually satisfactory nature.

I gather, however, from your note that, in the opinion of your Government, although a revision of Treaty stipulations on the basis of mutual concessions was desired by the United States before the present disputes arose, yet the present time is inopportune for various reasons, among which you mention the irritation created in the United States by the belief that the action of the Canadian Government has had for its object to force a new Treaty on your Government.

Her Majesty's Government learn with much regret that such an impression should prevail, for every effort has been made by the Canadian Government to promote a friendly negotiation, and to obviate the differences which have now arisen. Indeed, it is hardly necessary to remind you that, for six months following the denunciation by your Government of the Fishery Articles of the Treaty of Washington, the North American fisheries were thrown open to citizens of the United States without any equivalent, in the expectation that the American Government would show their willingness to treat the question in a similar spirit of amity and good-will.

Her Majesty's Government cannot but express a hope that the whole correspondence may be laid immediately before Congress, as they believe that its perusal would influence public opinion in the United States in favour of negotiating, before the commencement of the next fishing season, an arrangement based on mutual concessions, and which

would therefore (to use the language of your note) "consist with the dignity, the interests, and the friendly relations of the two countries."

Her Majesty's Government cannot conceive that negotiations commenced with such an object and in such a spirit could fail to be successful; and they trust, therefore, that your Government will endeavour to obtain from Congress, which is about to assemble, the necessary powers to enable them to make to Her Majesty's Government some definite proposals for the negotiation of a mutually advantageous arrangement.

I have, &c.

(Signed) IDDESLEIGH.

No. 147.

Mr. Bramston to Sir J. Pauncefote.—(Received December 2.)

Sir,

Downing Street, December 1, 1886.

WITH reference to the letter from this Department of the 25th ultimo, I am directed by Mr. Secretary Stanhope to transmit to you, for the information of the Earl of Idlesleigh, a copy of an order of Her Majesty in Council assenting to the Reserved Bill of the Legislature of Canada, entitled "An Act further to amend the Act respecting Fishing by Foreign Vessels."

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 147.

At the Court at Windsor, the 26th day of November, 1886.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL OF ROSSLYN.

VISCOUNT CROSS.

LORD STANLEY OF PRESTON.

WHEREAS by an Act passed in the 30th year of Her Majesty's reign, entitled "An Act for the Union of Canada, Nova Scotia, and New Brunswick and the Government thereof, and for purposes connected therewith," it is amongst other things enacted that a Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until within two years from the date on which it was presented to the Governor-General for the Queen's assent, the Governor-General signifies by Speech or Message to each of the Houses of the Parliament, or by Proclamation, that it has received the assent of the Queen in Council.

And whereas on the 2nd day of June, 1886, the Governor-General of Canada reserved a certain Bill passed by the Senate and House of Commons of Canada, entitled "An Act further to amend the Act respecting Fishing by Foreign Vessels," for the signification of Her Majesty's pleasure thereon. And whereas the said Bill so reserved as foresaid has been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her Majesty :

Now, therefore, Her Majesty, in pursuance of the said Act and in exercise of the Powers thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Majesty's privy Council, declare her assent to the said Bill.

And the Right Honourable Edward Stanhope, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) C. L. PEEL.

Mr. Bramston to Sir J. Pauncefote.—(Received December 2.)

Sir,

Downing Street, December 1, 1886.

WITH reference to previous correspondence respecting the seizure of the "David J. Adams," and to the general question of the North American fisheries, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Governor-General of Canada, forwarding a Report on the subject by the Dominion Minister of Justice.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 148.

The Marquis of Lansdowne to Mr. Stanhope.

Sir,

Government House, Ottawa, November 9, 1886.

WITH reference to Earl Granville's despatch of the 24th June last respecting the Fisheries question, and inclosing copies of two letters from the Foreign Office, and one from the United States' Minister in London addressed to the Secretary of State for Foreign Affairs, I have the honour to transmit herewith a copy of an approved Minute of the Privy Council of Canada, concurring in a Report of the Minister of Justice dealing with the points raised by Mr. Phelps in his note of the 2nd June last, on the subject of the seizure of the United States' fishing-vessel "David J. Adams," near Digby, Nova Scotia.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 148.

Report of a Committee of the Honourable the Privy Council for Canada, approved by His Excellency the Administrator of the Government in Council on the 2nd November, 1886.

THE Committee of the Privy Council have had under consideration a despatch dated 24th June, 1886, from the Right Honourable the Secretary of State for the Colonies, respecting the Fisheries question, and inclosing copies of letters on the subject from the Foreign Office to the Colonial Office, and of one from Mr. Phelps to the Secretary of State for Foreign Affairs.

The Minister of Justice, to whom the despatch and inclosures were referred, submits a Report thereon herewith.

The Committee concur in the said Report, and advise that your Excellency be moved to transmit a copy thereof, if approved, to the Right Honourable the Secretary of State for the Colonies.

All which is submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council, Canada.

Inclosure 3 in No. 148.

Report.

To his Excellency the Administrator of the Government in Council.

Department of Justice, Ottawa, July 22, 1886.

WITH reference to the despatch of the 24th June last from the Secretary of State for the Colonies to your Excellency respecting the Fisheries question, and inclosing copies of letters on the subject from the Foreign Office to the Colonial Office, and of one

from Mr. Phelps to the Secretary of State for Foreign Affairs, the Undersigned has the honour to report as follows:—

The letter of Mr. Phelps seems designed to present to Earl Rosebery the case of the "David J. Adams," the fishing-vessel seized a short time ago near Digby, in the Province of Nova Scotia.

Mr. Phelps intimates that he has received from his Government a copy of the Report of the Consul-General of the United States at Halifax, giving full details and depositions relating to the seizure, and that that Report and the evidence annexed to it appear fully to sustain the points which he had submitted to Earl Rosebery at an interview which he had had a short time before the date of his letter.

The Report of the Consul-General, and the depositions referred to, seem not to have been presented to Earl Rosebery, and their contents can only be inferred from the statements made in Mr. Phelps' letter.

These statements appear to be based on the assertions made by the persons interested in the vessel by way of defence against the complaint under which she was seized, but cannot be regarded as presenting a full or accurate representation of the case. The Undersigned submits the facts in regard to this vessel as they are alleged by those on whose testimony the Government of Canada can rely to sustain the seizure and detention.

The Offence (as to the Treaty and Fishery Laws).

The "David J. Adams" was a United States' fishing-vessel. Whether, as alleged in her behalf, her occupation was deep-sea fishing or not, and whether, as suggested, she had not been engaged, nor was intended to be engaged, in fishing in any limit prescribed by the Treaty of 1818 or not, are questions which do not, in the opinion of the Undersigned, affect the validity of the seizure and of the proceedings subsequent thereto, for reasons which will be hereafter stated; but in so far as they may be deemed material to the defence they are questions of fact, which remain to be proved in the Vice-Admiralty Court at Halifax, in which the proceedings for the vessel's condemnation are pending, and in respect of which proof is now being taken; and inasmuch as the trial has not been concluded (much less a decision reached), it is perhaps premature for Mr. Phelps to claim the restoration of the vessel, and to assert a right to damages for her detention, on the assumption of the supposed facts before referred to.

It is alleged in the evidence on behalf of the prosecution that the "David J. Adams," being a United States' fishing-vessel, on the morning of the 5th May, 1886, was in what is called the "Annapolis Basin," which is a harbour on the north-west coast of Nova Scotia. She was several miles within the Basin, and the excuse suggested (that the captain and crew may have been there through a misapprehension as to the locality) by the words of Mr. Phelps' letter, "Digby is a small fishing settlement, and its harbour not defined," is unworthy of much consideration.

Digby is not a fishing settlement, although some of the people on the neighbouring shores engage in fishing. It is a town with a population of about 2,000 persons. Its harbour is formed by the Annapolis Basin, which is a large inlet of the Bay of Fundy, and the entrance to it consists of a narrow strait marked by conspicuous headlands, which are a little more than a mile apart. The entrance is called "Digby Gut," and for all purposes connected with this inquiry the harbour is one of the best defined in America.

The "David J. Adams" was, on the morning of the 5th day of May, 1886, as has already been stated, several miles within the Gut. She was not there for the purpose of "shelter," or "repairs," nor to "purchase wood," nor to "obtain water." She remained there during the 5th and 6th May, 1886; she was lying at anchor about half-a-mile from the shore, at a locality called "Clement's West."

On the morning of the 6th May, 1886, the captain made application to the owners of a fishing-weir near where he was lying for bait, and purchased four and a-half barrels of that article. He also purchased and took on board about 2 tons of ice. While waiting at anchor for these purposes the name of the vessel's "hailing place" was kept covered by canvas, and this concealment continued while she afterwards sailed down past Digby.

One of the crew represented to the persons attending the weir that the vessel belonged to the neighbouring province of New Brunswick. The captain told the owner of the weir, when the Treaty was spoken of by the latter, that the vessel was under British register. The captain said he would wait until the next morning to get more bait from the catch in the weir which was expected that day. At daybreak, however, on the morning of the 7th May, 1886, the Government steamer "Landsowne" arrived off Digby, and the "David

J. Adams" got under way, without waiting to take in the additional supply of bait, and sailed down the Basin towards the Gut.

Before she had passed Digby she was boarded by the first officer of the "Lansdowne," and to him the captain made the following statement: that he had come to that place to see his people, as he had formerly belonged there, that he had no fresh bait on board, and that he was from the "Banks" and bound for Eastport, Maine.

The officer of the "Lansdowne" told him he had no business there, and asked him if he knew the law. His reply was "Yes."

A few hours afterwards, and while the "David J. Adams" was still inside the Gut, the officer of the "Lansdowne," ascertaining that the statements of the captain were untrue, and that bait had been purchased by him within the harbour on the previous day, returned to the "David J. Adams," charged the captain with the offence, and received for his reply the assertion that the charge was false, and that the person who gave the information was a "liar."

The officer looked into the hold of the vessel and found the herring which had been purchased the day before, and which, of course, was perfectly fresh, but the captain declared that this "bait" was ten days old.

The officer of the "Lansdowne" returned to his ship, reported the facts, and went again to the "Adams," accompanied by another officer, who also looked at the bait. Both returned to the "Lansdowne," and then conveyed to the "Adams" the direction that she should come to Digby and anchor near the "Lansdowne." This was, in fact, the seizure.

These are the circumstances by which the seizure was, in the opinion of Mr. Phelps, "much aggravated," and which make it seem very apparent to him that the seizure "was not made for the purpose of enforcing any right or redressing any wrong."

The fact that the seizure was preceded by visitations and searches was due to the statements of the master, and the reluctance of the officers of the "Lansdowne" to enforce the law until they had ascertained to a demonstration that the offence had been committed, and that the captain's statements were untrue.

The Offence (as to Customs Laws).

The "David J. Adams," as already stated, was in harbour upwards of forty-eight hours, and when seized was proceeding to sea without having been reported at any custom-house. Her business was not such as to make it her interest to attract the attention of the Canadian authorities, and it is not difficult, therefore, to conjecture the reason why she was not so reported, or to see that the reason put forward, that Digby is but "a small fishing settlement, and its harbour not defined," is a disingenuous one. In going to the weir to purchase bait the vessel passed the custom-house at Digby almost within hailing distance. When at the weir she was within 1 or 2 miles of another custom-house (at Clementsport), and within about 15 miles of another (at Annapolis). The master has not asserted that he did not know the law on this subject, as it is established that he knew the law in relation to the restriction on foreign fishing-vessels.

The provisions of the Customs Act of Canada on this subject are not essentially different from those of his own country. The captain and crew were ashore, during the 5th and 6th May, 1886. The following provisions of the Customs Act of Canada apply:—

"The master of every vessel coming from any port or place out of Canada, or coast-wise, and entering any port in Canada, whether laden or in ballast, shall go without delay, when such vessel is anchored or moored, to the custom-house for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer of the arrival and voyage of such vessel, stating her name, country, and tonnage, the port of registry, the name of the master, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, and, if laden, the marks and numbers of every package and parcel of goods on board, and where the same was laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, what part of the cargo, and the number and names of the passengers which are intended to be landed at that port, and what and whom at any other port in Canada, and what part of the cargo, if any, is intended to be exported in the same vessel, and what surplus stores remain on board as far as any of such particulars are or can be known to him."—46 Vict., cap. 12, sec. 25.

"The master shall at the time of making his Report, if required by the officer of Customs, produce to him the bills of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his Report, and declaring that all the statements made in the Report are true, and shall further answer all such questions concerning the

vessel and cargo, and the crew, and the voyage, as are demanded of him by such officer, and shall, if required, make the substance of any such answer part of his Report.”—46 Vict., cap. 12, sec. 28.

“If any goods are unladen from any vessel before such Report is made, or if the master fails to make such Report, or makes an untrue Report, or does not truly answer the questions demanded of him, as provided in the next preceding section, he shall incur a penalty of 400 dollars, and the vessel may be detained until such penalty is paid.”—46 Vict., cap. 12, sec. 28.

Proceedings following the Seizure.

These have been made the subject of complaint by Mr. Phelps, although the explanations which were given in the previous Memorandum of the Undersigned (in reference to the letters of Mr. Bayard to Her Majesty’s Minister at Washington), and in the Report on the same subject of the Minister of Marine and Fisheries laid before his Excellency the Governor-General on the 14th June ultimo, coupled with a disavowal by the Canadian Government of any intention that the proceedings in such cases should be unnecessarily harsh or pursued in a punitive spirit, might have been expected to be sufficient. After the seizure was made the Commander of the “Lansdowne” took the “David J. Adams” across the Bay of Fundy to St. John, a distance of about 40 miles. He appears to have had the impression that, as his duties would not permit him to remain at Digby, the vessel would not be secure from rescue, which has in several cases occurred after the seizure of fishing-vessels. He believed she would be more secure in the harbour of St. John, and that the legal proceedings, which in due course would follow, could be taken there. He was immediately directed, however, to return with the vessel to Digby, as it seemed more in order, and more in compliance with the Statutes relating to the subject, that she should be detained in the place of seizure, and that the legal proceedings should be taken in the Vice-Admiralty Court of the Province where the offence was committed. It does not seem to be claimed by the United States’ authorities that any damage to the vessel, or that any injury or inconvenience to any one concerned, was occasioned by this removal to St. John, and by her return to Digby, occupying as they did but a few hours, and yet this circumstance seems to be relied on as “aggravating the seizure,” and as depriving it of the character of a seizure made “to enforce a right or to redress a wrong.”

Another ground for complaint is that in Digby, “the paper alleged to be the legal precept for the capture and detention of the vessel was nailed to her mast in such a manner as to prevent its contents being read,” and that “the request of the captain and of the United States’ Consul-General to be allowed to detach the writ from the mast, for the purpose of learning its contents, was positively refused by the Provincial official in charge, that the United States Consul-General was not able to learn from the Commander of the ‘Lansdowne’ the nature of the complaint against the vessel, and that his respectful application to that effect was fruitless.”

1. As to the position of the paper on the mast, it is not a fact that it was nailed to the vessel’s mast “in such a manner as to prevent its contents being read. It was nailed there for the purpose of being read, and could have been read.

2. As to the refusal to allow it to be detached, such refusal was not intended as a discourtesy, but was legitimate and proper. The paper purported to be, and was, a copy of the writ of summons and warrant, which were then in the Registry of the Vice-Admiralty Court at Halifax. It was attached to the mast by the officer of the Court, in accordance with the rules and procedure of that Court. The purposes for which it was so attached did not admit of any consent for its removal.

3. As to the desire of the captain and of the United States’ Consul-General to ascertain the contents of the paper, the original was in the Registry of the Court, accessible to every person, and the Registry is within 80 yards of the Consul-General’s office; all the reasons for the seizure and detention were made, however, to the captain, days before the paper arrived to be placed on the mast, and, before the Consul-General arrived at Digby, these reasons were not only matters of public notoriety, but had been published in the newspapers of the province, and in hundreds of other newspapers circulating throughout Canada and the United States. The captain and the Consul-General did not need, therefore, to take the paper from the mast in order to learn the causes of the seizure and detention.

4. As to the application of the Consul-General having been fruitless, the fact has transpired that he had reported the seizure, and its causes, to his Government, before the application was made. It has been already explained in the previous

Memorandum of the Undersigned, and in the Report of the Minister of Marine and Fisheries, that the application was for a specific statement of the charges, and that it was made to an officer who had neither the legal acquirements nor the authority to state them in a more specific form than that in which he had already stated them. The Commander of the "Lansdowne" requested the Consul-General to make his request to the Minister of Marine and Fisheries, and, if he had done so, the specific statement which he had desired could have been furnished in an hour. It is hoped that the explanation already made, and the precautions which have been taken against even the appearance of discourtesy in the future, will, on consideration, be found to be satisfactory.

Incidents of the Customs Seizure.

Mr. Phelps presents the following views with respect to the claim that the "David J. Adams," besides violating the Treaty and the Statutes relating to "fishing by foreign vessels," is liable to be detained for the penalty under the Customs Law :—

1. That this claim indicates the consciousness that the vessel could not be forfeited for the offence against the Treaty and Fishing Laws. This supposition is groundless. It is by no means uncommon in legal proceedings, both in Canada and the United States, for such proceedings to be based on more than one charge, although any one of the charges would in itself, if sustained, be sufficient for the purpose of the complainant. The success of this litigation, like that of all litigation, must depend not merely on the rights of the parties, but on the proof which may be adduced as to a right having been infringed. In this instance it appears from Mr. Phelps' letter that the facts which are to be made the subject of proof are evidently in dispute, and the Government of Canada could, with propriety, assert both its claims, so that both of them should not be lost by any miscarriage of justice in regard to one of them. This was likewise the proper cause to be taken, in view of the fact that an appeal might at any time be made to the Government by the owners of the "David J. Adams" for remission of the forfeiture incurred in respect of the Fishery Laws. The following is a section of the Canadian Statute relating to fishing by foreign vessels :—

"In cases of seizure under this Act, the Governor in Council may direct a stay of proceedings, and, in cases of condemnation, may relieve from the penalty in whole or in part, and on such terms as are deemed right."—31 Vict., cap. 61, sec. 19.

It seemed necessary and proper to make at once any claim founded on infraction of the Customs Laws, in view of the possible termination of the proceedings by executive interference under this enactment. It would surely not be expected that the Government of Canada should wait until the termination of the proceedings under the Fishery Acts before asserting its claim to the penalty under the Customs Act. The owners of the offending vessel and all concerned were entitled to know as soon as they could be made aware what the claims of the Government were in relation to the vessel, and they might fairly urge that any which were not disclosed were waived.

2. Mr. Phelps remarks that this charge is "not the one on which the vessel was seized," and "was an afterthought." The vessel was seized by the Commander of the "Lansdowne" for a violation of the Fishery Laws before the Customs authorities had any knowledge that such a vessel had entered into the port, or had attempted to leave it, and the Commander was not aware at that time whether the "David J. Adams" had made proper entry or not. A few hours afterwards, however, the Collector of Customs at Digby ascertained the facts, and on the facts being made known to the Head of his Department at Ottawa, was immediately instructed to take such steps as might be necessary to assert the claim for the penalty which had been incurred. The Collector did so.

3. Mr. Phelps asserts that the charge of breach of the Customs Law is not the one which must now be principally relied on for condemnation. It is true that condemnation does not necessarily follow. The penalty prescribed is a forfeiture of 400 dollars, on payment of which the owners are entitled to the release of the vessel. If Mr. Phelps means by the expression just quoted that the Customs offence cannot be relied on in respect to the penalty claimed, and that the vessel cannot be detained until that penalty is paid, it can only be said that in this contention the Canadian Government does not concur. Section 39 of the Customs Act, before quoted, is explicit on that point.

4. It is also urged that the offence was, at most, "only an accidental and clearly technical breach of a Custom-house Regulation, by which no harm was intended and from which no harm came, and would in ordinary cases be easily condoned by an apology and perhaps payment of costs." What has already been said under the heading "The Offence (as to Customs Laws)" presents the contention opposed to the offence being

considered as "accidental." The master of the "David J. Adams" showed by his language and conduct that what he did he did with design, and with the knowledge that he was violating the laws of the country. He could not have complied with the Customs Law without frustrating the purposes for which he had gone into port.

As to the breach being a "technical" one, it must be remembered that with thousands of miles of coast indented, as the coasts of Canada are, by hundreds of harbours and inlets, it is impossible to enforce the Fishery Law without a strict enforcement of the Customs Laws. This difficulty was not unforeseen by the framers of the Treaty of 1818, who provided that the fishermen should be "under such restrictions as might be necessary to prevent their taking, drying, or curing fish . . . or in any other manner whatever *abusing the privileges reserved to them.*" No naval force which could be equipped by the Dominion would of itself be sufficient for the enforcement of the Fishery Laws.

Foreign fishing-vessels are allowed by the Treaty to enter the harbours and inlets of Canada, but they are allowed to do so only for specified purposes. In order to confine them to those purposes it is necessary to insist on the observance of the Customs Laws, which are enforced by officers all along the coast. A strict enforcement of the Customs Laws, and one consistent with the Treaty, would require that, even when coming into port for the purposes for which such vessels are allowed to enter our waters, a Report should be made at the custom-house, but this has not been insisted on in all cases, when the Customs Laws are enforced against those who enter for other than legitimate purposes, and who choose to violate both the Fishery Laws and Customs Laws, the Government is far within its right, and should not be asked to accept an apology and payment of costs. It may be observed here as affecting Mr. Phelps' demands for restoration and damages that the apology and costs have never been tendered, and that Mr Phelps seems to be of opinion that they are not called for.

5. Mr. Phelps is informed by the Consul-General at Halifax that it is "conceded by the Customs authorities there that foreign fishing-vessels have for forty years been accustomed to go in and out of the bay at pleasure, and have never been required to send ashore and report when they had no business with the port and made no landing, and that no seizure had ever before been made or claim against them for so doing." Nothing of this kind is or could be conceded by the Customs authorities there or elsewhere in Canada.

The bay referred to, the Annapolis Basin, is like all the other harbours of Canada, except that it is unusually well defined, and land-locked and furnished with custom-houses. Neither there, nor anywhere else, have foreign fishing-vessels been accustomed to go in and out at pleasure without reporting. If they had been so permitted the Fishery Laws could not have been enforced, and there would have been no protection against illicit trading. While the Reciprocity Treaty of 1854 and the Fishery Clauses of the Washington Treaty were in force, the Convention of 1818 being, of course, suspended, considerable laxity was allowed to the United States' fishing-vessels, much greater than the terms of those Treaties entitled them to; but the Consul-General is greatly mistaken when he supposes that at other times the Customs Laws were not enforced, and that seizures of foreign fishing-vessels were not made for omitting to report. Abundant evidence on this point can be had.

In 1839 Mr. Vail, the Acting Secretary of State (United States), reported that most of the seizures, which then were considered numerous, were for alleged violation of the Customs Laws (Papers relating to the Treaty of Washington, vol. vi, p. 283, Washington edition). From a letter of the United States' Consul at Charlottetown, dated 19th August, 1870, to the United States' Consul-General at Montreal, it appears that it was the practice of the United States' fishermen at that time to make regular entry at the port to which they resorted. The Consul said, "Here the fishermen enter and clear, and take out permits to land their mackerel from the Collector, and as their mackerel is a free article in this island, there can be no illicit trade."

In the year 1870 two United States' fishing-vessels, the "H. W. Lewis," and the "Granada," were seized on like charges in Canadian waters.

What Mr. Phelps styles "a Custom-house Regulation" is an Act of the Parliament of Canada, and has for many years been in force in all the provinces of the Dominion. It is one which the Government cannot at all alter or repeal, and which its officers are not at liberty to disregard.

6. It is suggested, though not asserted, in the letter of Mr. Phelps, that the penalty cannot reasonably be insisted on, because a new rule has been suddenly adopted, without notice. The rule, as before observed, is not a new one, nor is its

enforcement a novelty. As the Government of the United States chooses to put an end to the arrangement under which the fishermen of that country were accustomed to frequent Canadian waters with so much freedom, the obligation of giving notice to those fishermen that their rights were thereafter, by the action of their own Government, to be greatly restricted, and that they must not infringe the Laws of Canada, was surely a duty incumbent on the Government of the United States rather than on that of Canada. This point cannot be better expressed than in the language reported to have been recently used by Mr. Bayard, the United States' Secretary of State, in his reply to the owners of the "George Cushing," a vessel recently seized on a similar charge: "You are well aware that questions are now pending between this Government and that of Great Britain in relation to the justification of the rights of American fishing-vessels in the territorial waters of British North America, and we shall relax no effort to arrive at a satisfactory solution of the difficulty. In the meantime, it is the duty and manifest interest of all American citizens entering Canadian jurisdiction to ascertain and obey the Laws and Regulations there in force. For all unlawful depredations of property or commercial rights this Government will expect to procure redress and compensation for the innocent sufferers."

Interpretation of the Treaty.

Mr. Phelps, after commenting in the language already quoted from his letter on the claim for the Customs penalty, treats, as the only question, whether the vessel is to be forfeited for purchasing bait to be used in lawful fishing. In following his argument on this point, it should be borne in mind, as already stated, that in so far as the fact of the bait having been intended to be used in lawful fishing is material to the case, that is a fact which is not admitted. It is one in respect of which the burden of proof is on the owners of the vessel, and it is one on which the owners of the vessel have not yet obtained an adjudication by the Tribunal before which the case has gone.

Mr. Phelps admits "that if the language of the Treaty of 1818 is to be interpreted literally, rather than according to its spirit and plain intent, a vessel engaged in fishing would be prohibited from entering a Canadian port for any purpose whatever, except to obtain wood or water, or to repair damages, or to seek shelter."

It is claimed on the part of the Government of Canada that this is not only the language of the Treaty of 1818, but "its spirit and plain intent." To establish this contention, it should be sufficient to point to the clear unambiguous words of the Treaty. To those clear and unambiguous words Mr. Phelps seeks to attach a hidden meaning by suggesting that certain "preposterous consequences" might ensue from giving them their ordinary construction. He says that with such a construction a vessel might be forfeited for entering a port to "post a letter, to send a telegram, to buy a newspaper, to obtain a physician in case of illness, or a surgeon in case of accident, to land or bring off a passenger, or even to lend assistance to the inhabitants, &c."

There are probably few Treaties or Statutes the literal enforcement of which might not, in certain circumstances, produce consequences worthy of being described as preposterous.

At most, this argument can only suggest that, in regard to this Treaty, as in regard to every enactment, its enforcement should not be insisted on where accidental hardships or "preposterous consequences" are likely to ensue. Equity, and a natural sense of justice, would doubtless lead the Government with which the Treaty was made to abstain from its rigid enforcement for inadvertent offences, although the right so to enforce it might be beyond question. It is for this reason that, inasmuch as the enforcement of this Treaty, to some extent, devolves on the Government of Canada, the Parliament of the Dominion has in one of the sections already quoted of the Statute relating to fishing by foreign vessels (31 Vict., cap. 61, sec. 19) intrusted the Executive with power to mitigate the severity of those provisions when an appeal to executive interference can be justified. In relation to every law of a penal character the same power for the same purpose is vested in the Executive. Mr. Phelps will find it difficult, however, to discover any authority among the jurists of his own country or of Great Britain, or among the writers on international law, for the position that, against the plain words of a Treaty or Statute, an interpretation is to be sought which will obviate all chances of hardship and render unnecessary the exercise of the executive power before mentioned.

It might fairly be urged against his argument that the Convention of 1818 is less open to an attempt to change its plain meaning than even a Statute would be. The latter is a declaration of its will by the supreme authority of the State, the former was

a compact deliberately and solemnly made by two parties, each of whom expressed what he was willing to concede, and by what terms he was willing to be bound. If the purposes for which the United States desired that their fishing-vessels should have the right to enter British American waters included other than those expressed, their desire cannot avail them now, nor be a pretext for a special interpretation after they assented to the words, "and for no other purpose whatever." If it was "preposterous" that their fishermen should be precluded from entering provincial waters "to post a letter," or for any other of the purposes which Mr. Phelps mentions, they would probably never have assented to a Treaty framed as this was. Having done so, they cannot now urge that their language was "preposterous," and that its effect must be destroyed by resort to "interpretation."

But that which Mr. Phelps calls "literal interpretation" is by no means so preposterous as he suggests, when the purpose and object of the Treaty come to be considered. While it was not desired to interfere with ordinary commercial intercourse between the people of the two countries, the deliberate and declared purpose existed on the part of Great Britain, and the willingness existed on the part of the United States, to secure absolutely, and free from the possibility of encroachment, the fisheries of the British possessions in America to the people of those possessions, excepting as to certain localities, in respect of which special provisions were made. To effect this it was merely necessary that there should be a joint declaration of the right which was to be established, but that means should be taken to preserve that right. For this purpose a distinction was necessarily drawn between the United States' vessels engaged in commerce and those engaged in fishing. While the former had free access to our coasts, the latter were placed under a strict prohibition.

The purpose was to prevent the fisheries from being poached on, and to preserve them to "the subjects of His Britannic Majesty in North America, not only for the pursuit of fishing within the waters adjacent to the coast (which can under the law of nations be done by any country), but as a basis of supplies for the pursuit of fishing in the deep sea. For this purpose it was necessary to keep out foreign fishing-vessels, excepting in cases of dire necessity, no matter under what pretext they might desire to come in. The fisheries could not be preserved to our people if every one of the United States' fishing-vessels that were accustomed to swarm along our coasts could claim the right to enter our harbours "to post a letter, or send a telegram, or buy a newspaper, to obtain a physician in case of illness, or a surgeon in case of accident, to land or bring off a passenger, or even to lend assistance to the inhabitants in fire, flood, or pestilence," or to "buy medicine" or to "purchase a new rope." The slightest acquaintance with the negotiations which led to the Treaty of 1818, and with the state of the Fishery question preceding it, induces the belief that if the United States' negotiators had suggested these as purposes for which their vessels should be allowed to enter our waters, the proposal would have been rejected as "preposterous," to quote Mr. Phelps' own words. But Mr. Phelps appears to have overlooked an important part of the case when he suggested that it is a "preposterous" construction of the Treaty, which would lead to the purchase of bait being prohibited. So far from such a construction being against "its spirit and plain intent," no other meaning would accord with that spirit and intent. If we adopt one of the methods contended for by Mr. Phelps of arriving at the true meaning of the Treaty, namely, having reference to the "attending circumstances," &c., we find that so far from its being considered by the framers of the Treaty that a prohibition of the right to obtain bait would be a "preposterous" and an extreme instance, a proposition was made by the United States' negotiators that the proviso should read thus: "Provided, however, that American fishermen shall be permitted to enter such bays and harbours for the purposes only of obtaining shelter, wood, water, and bait," and the insertion of the word "bait" was resisted by the British negotiators and struck out. After this, how can it be contended that any rule of interpretation would be sound which would give to United States' fishermen the very permission which was sought for on their behalf during the negotiations, successfully resisted by the British Representatives, and deliberately rejected by the framers of the Convention?

It is a well-known fact that the negotiations preceding the Treaty had reference very largely to the deep-sea fisheries, and that the right to purchase bait in the harbours of the British possessions for the deep-sea fishing was one which the United States' fishermen were intentionally excluded from. Referring to the difficulties which subsequently arose from an enforcement of the Treaty, an American author says:—

"It will be seen that most of those difficulties arose from a change in the character of the fisheries, cod being caught on the banks, were seldom pursued within the 3-mile

limit, and yet it was to cod, and perhaps halibut, that all the early negotiations had referred.

"The mackerel fishing had now sprung up in the Gulf of St. Lawrence, and had proved extremely profitable. This was at that time an inshore fishery." ("Schuyler's American Diplomacy," p. 411.)

In further amplification of this argument, the Undersigned would refer to the views set forth in the Memorandum before mentioned in the letters of Mr. Bayard in May last, and to those presented in the Report of the Minister of Marine and Fisheries, approved on the 14th June ultimo.

While believing, however, that Mr. Phelps cannot, by resort to any such matters, successfully establish a different construction for the Treaty from that which its words present, the Undersigned submits that Mr. Phelps is mistaken as to the right to resort to any matters outside the Treaty itself to modify its plain words. Mr. Phelps expresses his contention thus:—

"It seems to me clear that the Treaty may be considered in accordance with those ordinary and well-settled rules applicable to all written instruments, which without such salutary assistance must constantly fail of their purpose. By these rules the letter often gives way to the intent, or rather is only used to ascertain the intent, and the whole document will be taken together, and will be considered in connection with the attending circumstances, the situation of the parties, and the object in view, and thus the literal meaning of an isolated clause is often shown not to be the meaning really understood or intended."

It may be readily admitted that such rules of interpretation exist, but when are they to be applied? Only when interpretation is necessary—when the words are plain in their ordinary meaning the task of interpretation does not begin. Vattel says in reference to the "Interpretation of Treaties":—

"The first general maxim of interpretation is, *that it is not allowable to interpret what has no need of interpretation*. When the deed is worded in clear and precise terms, when its meaning is evident and leads to no absurd conclusion, there can be no reason for refusing to admit the meaning which such deed naturally presents. To go elsewhere in search of conjectures in order to restrict or extend it, is but an attempt to elude it.

"Those cavillers who dispute the sense of a clear and determined article are accustomed to seek their frivolous subterfuges in the pretended intentions and views which they attribute to its author. It would be very often dangerous to enter with them into the discussion of these supposed views that are pointed out in the piece itself. The following rule is better calculated to foil such cavillers, and will at once cut short all chicanery: *If he who could and ought to have explained himself clearly and fully has not done it, it is the worse for him*; he cannot be allowed to introduce subsequent restrictions which he has not expressed. This is a maxim of the Roman law: '*Pactionem obscuram us nocere in quorum fuit potestate legem apertius conscribere.*' The equity of this rule is glaringly obvious, and its necessity is not less evident." (Vattel's "Interpretation of Treaties," Lib. II, chap. 17).

Sedgewick, the American writer on the "Construction of Statutes" (and Treaties are constructed by much the same rules as Statutes), says, at p. 194: "The rule is, as we shall constantly see, cardinal and universal, but if the Statute is plain and unambiguous, there is no room for construction or interpretation. The Legislature has spoken; their interpretation is free from doubt, and their will must be obeyed." "It may be proper," it has been said in Kentucky, "in giving a construction to a Statute, to look to the effects and consequences when its provisions are ambiguous or the legislative intention is doubtful. But when the law is clear and explicit, and its provisions are susceptible of but one interpretation, evil can only be avoided by a change of the law itself, to be effected by legislative and not judicial action." "So too," it is said by the Supreme Court of the United States, "where a Law is plain and unambiguous, whether it be expressed in general or limited terms, the Legislature should be intended to mean what they have plainly expressed, and consequently no room is left for construction."

At the Tribunal of Arbitration at Geneva, held under the Washington Treaty in 1872, a similar question arose. Counsel for Her Majesty's Government presented a supplemental argument, in which the ordinary rules for the interpretation of Treaties were invoked. Mr. Evarts, one of the counsel for the United States, and afterwards Secretary of State, made a supplemental reply in which the following passage occurs: "At the close of the special argument we find a general presentation of canons for the construction of Treaties, and some general observations as to the light or the controlling reason under which these rules of the Treaty should be construed. These suggestions may be briefly dismissed. It certainly would be a very great reproach to

these nations, which had deliberately fixed upon three propositions as expressive of the law of nations, in their judgment, for the purposes of this trial, that a resort to general instructions for the purpose of interpretation was necessary. Eleven canons of interpretation drawn from Vattel are presented in order, and then several of them, as the case suits, are applied as valuable in elucidating this or that point of the rules. But the learned counsel has omitted to bring to your notice the first and most general rule of Vattel, which, being once understood, would, as we think, dispense with any consideration of these subordinate canons which Vattel has introduced to be used only in case his first general rule does not apply. This first proposition is that '*it is not allowable to interpret what has no need of interpretation.*'" (Washington Treaty Papers, vol. iii, pp. 446, 447.)

In a letter of Mr. Hamilton Fish to the United States' Minister in England on the same subject, dated the 16th April, 1872, the following view was set forth:—

"Further than this, it appears to me that the principles of English and American law (and they are substantially the same) regarding the construction of Statutes and Treaties, and of written instruments generally, would preclude the seeking of evidence of intent outside the instrument itself. It might be a painful trial on which to enter in seeking the opinions and recollections of parties, to bring into conflict the differing expectations of those who were engaged in the negotiation of an instrument." (Washington Treaty Papers, vol. ii, p. 473.)

But even at this barrier the difficulty in following Mr. Phelps' argument, by which he seeks to reach the interpretation he desires, does not end. After taking a view of the Treaty which all authorities thus forbid, he says, "Thus regarded, it appears to me clear that the words, 'for no other purpose whatever,' as employed in the Treaty, mean for no other purpose inconsistent with the provisions of the Treaty."

Taken in that sense, the words would have no meaning, for no other purpose would be consistent with the Treaty excepting those mentioned. He proceeds, "or prejudicial to the interests of the provinces or their inhabitants." If the United States' authorities are the judges as to what is prejudicial to those interests, the Treaty will have very little value; if the provinces are to be the judges, it is most prejudicial to their interests that United States' fishermen should be permitted to come into their harbours on any pretext, and it is fatal to their fishery interests that these fishermen, with whom they have to compete at such a disadvantage in the markets of the United States, should be allowed to enter for supplies and bait, even for the pursuit of the deep-sea fisheries. Before concluding his remarks on this subject, the Undersigned would refer to a passage in the answer on behalf of the United States to the Case of Her Majesty's Government as presented to the Halifax Fisheries Commission in 1877: "The various incidental and reciprocal advantages of the Treaty, such as the privileges of traffic, purchasing bait and other supplies, are not the subject of compensation, because the Treaty of Washington confers no such rights on the inhabitants of the United States, *who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing Laws or the re-enactment of former oppressive Statutes.*"

Mr. Phelps has made a lengthy citation from the Imperial Act 59 Geo. III, cap. 38, for the purpose of establishing—

1. That the penalty of forfeiture was not incurred by any entry into British ports, unless accompanied by fishing, or preparing to fish, within the prohibited limits.
2. That it was not the intention of Parliament, or its understanding of the Treaty, that any other entry should be regarded as an infraction of the provisions of that Act.

As regards the latter point, it seems to be effectually disposed of by the quotation which Mr. Phelps has made. The Act permits fishermen of the United States to enter into the bays or harbours of His Britannic Majesty's dominions in America for the purposes named in the Treaty, "and for no other purpose whatever;" and, after enacting the penalty of forfeiture in regard to certain offences, provides a penalty of 200*l.* against any persons otherwise offending against the Act. It cannot, therefore, be successfully contended that Parliament intended to permit entry into the British American waters for the purchase of bait, or for any other than the purposes specified in the Treaty.

As to the first point, it is to be observed that the penalty of forfeiture was expressly pronounced as applicable to the offence of fishing or preparing fish. It may be that forfeiture is incurred by other illegal entry, contrary to the Treaty, and contrary to the Statute. It may also be contended that preparing, within the prohibited limits, to fish in any place is the offence at which the penalty is aimed, or it may be that the preparing within these waters to fish is evidence of preparing to fish within the prohibited waters,

under the Imperial Statute, and especially under the Canadian Statute, which places the burden of proof on the defendant.

The Undersigned does not propose at this time to enter into any elaborate argument to show the grounds on which the penalty of forfeiture is available, because that question is one which is more suitable for determination by the Courts to whose decision it has been referred in the very case under consideration.

The decision in the case of the "David J. Adams" will be soon pronounced, and as the Government of Canada will be bound by the ultimate judgment of competent authority on this question, and cannot be expected to acquiesce in the view of the United States' Government without such a judgment, any argument of the case in diplomatic form would be premature and futile.

In order, however, to show that Mr. Phelps is in error when he assumes that the practical construction hitherto given to the Treaty is in accordance with his views, it is as well to state that in the year 1815 the Commander of one of His Majesty's ships of war seized four United States' fishing-vessels (see Sabine on Fisheries); and again, in 1817, the Imperial Government acted on the view that they had the right to seize foreign vessels encroaching on the fishing-grounds. Instructions were issued by Great Britain to seize foreign vessels fishing or at anchor in any of the harbours or creeks in the British North American possessions, or within their maritime jurisdiction, and send them to Halifax for adjudication. Several vessels were seized, and information was fully communicated to the Government of the United States. This, it will be remembered, was not only before the Treaty, but before the Imperial Act above referred to.

The following were the words of the Admiralty Instructions then issued: "On your meeting with any foreign vessels fishing or at anchor in any of the harbours or creeks in His Majesty's North American Provinces, or within our maritime jurisdiction, you will seize and send such vessel so trespassing to Halifax for adjudication, unless it should clearly appear that they have been obliged to put in there in consequence of distress, acquainting me with the cause of such seizure, and every other particular, to enable me to give all information to the Lords Commissioners of the Admiralty."

Under these instructions eleven or twelve American fishing-vessels were seized in Nova Scotia on the 8th June, 1817, in consequence of their frequenting some of the harbours of that province.

In 1818 the fishing-vessels "Mabby" and "Washington" were seized and condemned for entering and harbouring in British American waters.

In 1839 the "Java," "Independence," "Magnolia," and "Hart" were seized and confiscated, the principal charge being that they were within British American waters without legal cause.

In 1840 the "Papineau" and "Mary" were seized and sold for purchasing bait.

In the spring of 1819 a United States' fishing-vessel named the "Charles" was seized and condemned in the Vice-Admiralty Court in New Brunswick for having resorted to a harbour of that province, after warning, and without necessity.

In the year 1871 the United States' fishing-vessel "J. H. Nickerson" was seized for having purchased bait within 3 marine miles of the Nova Scotian shore, and condemned by the Judgment of Sir William Young, Chief Justice of Nova Scotia, and Judge of the Court of Vice-Admiralty. The following is a passage from his Judgment:—

"The vessel went in, not to obtain water or men, as the allegation says, but to purchase or procure bait (which, as I take it, is a preparing to fish), and it was contended that they had a right to do so, and that no forfeiture accrued on such entering. The answer is, that if a privilege to enter our harbours for bait was to be conceded to American fishermen it ought to have been in the Treaty, and it is too important a matter to have been accidentally overlooked. We knew indeed from the State Papers that it was not overlooked, that it was suggested, and declined. But the Court, as I have already intimated, does not insist upon that as a reason for its Judgment. What may be fairly and justly insisted on is, that beyond the four purposes specified in the Treaty—shelter, repairs, water, and wood—here is another purpose or claim not specified, while the Treaty itself declares that no such other purpose shall be received to justify an entry. It appears to me an inevitable conclusion that the 'J. H. Nickerson,' in entering the Bay of Ingonish for the purpose of procuring bait while there, became liable to forfeiture, and upon the true construction of the Treaty and Acts of Parliament was legally seized." (*Vide* Halifax Commission, vol. iii, pp. 3398, Washington edition.)

In view of these seizures and of this decision it is difficult to understand the following passages in the letter of Mr. Phelps:—

"The practical construction given to the Treaty down to the present time has been in entire accord with the conclusions thus deduced from the Act of Parliament. The

British Government has repeatedly refused to allow interference with American fishing-vessels, unless for illegal fishing, and has given explicit orders to the contrary."

"Judicial authority upon the question is to the same effect. That the purchase of bait by American fishermen in the provincial ports has been a common practice is well known, but in no case, so far as I can ascertain, has the seizure of an American vessel ever been enforced on the ground of the purchase of bait or of any other supplies. On the hearing before the Halifax Fishery Commission in 1877-78, this question was discussed, and no case could be produced of any such condemnation. Vessels shown to have been condemned were in all cases adjudged guilty either of fishing or preparing to fish within the prohibited limits."

Although Mr. Phelps is under the impression that "in the hearing before the Halifax Fishery Commission in 1877 this question was discussed, and no case could be produced of any such condemnation," the fact appears in the records of that Commission, as published by the Government of the United States, that on a discussion which there arose, the instances above mentioned were nearly all cited, and the Judgment of Sir William Young in the case of the "J. H. Nickerson" was presented in full, and it now appears among the papers of that Commission (see vol. iii, Documents and Proceedings of Halifax Commission, p. 3398, Washington edition). The decision in the case of the "J. H. Nickerson" was subsequent to that in the case of the "White Fawn" mentioned, to the exclusion of all the other cases referred to by Mr. Phelps. Whether that decision should be reaffirmed or not is a question more suitable for judicial determination than for discussion here.

Right of the Dominion Parliament to make Fishery Enactments.

Mr. Phelps deems it unnecessary to point out that it is not in the power of the Canadian Parliament to alter or enlarge the provisions of the Act of the Imperial Parliament, or to give to the Treaty either a construction or a legal effect not warranted by that Act.

No attempt has ever been made by the Parliament of Canada, or by that of any of the Provinces, to give a "construction" to the Treaty, but the Undersigned submits that the right of the Parliament of Canada, with the Royal Assent given in the manner provided in the Constitution, to pass an Act on this subject to give that Treaty effect, or to protect the people of Canada from the infringement of the Treaty provisions, is clear beyond question. An Act of that Parliament duly passed, according to constitutional forms, has as much the force of law in Canada, and binds as fully offenders who may come within its jurisdiction, as any Act of the Imperial Parliament.

The efforts made on the part of the Government of the United States to deny and refute the validity of Colonial Statutes on this subject have been continued for many years, and in every instance have been set at naught by the Imperial authorities and by the Judicial Tribunals.

In May 1870 this vain contention was completely abandoned; a Circular was issued by the Treasury Department at Washington, in which Circular the persons to whom it was sent were authorized and directed to inform all masters of fishing-vessels that the authorities of the Dominion of Canada had resolved to terminate the system of granting fishing licences to foreign vessels.

The Circular proceeds to state the terms of the Treaty of 1818, in order that United States' fishermen might be informed of the limitation thereby placed on their privileges. It proceeds further to set out at large the Canadian Act of 1868, relating to fishing by foreign vessels, which has been hereinbefore referred to.

The fishermen of the United States were by that Circular expressly warned of the nature of the Canadian Statute, which it is now once more pretended is without force, but no intimation was given to those fishermen that these provisions were nugatory and would be resisted by the United States' Government. Lest there should be any misapprehension on that subject, however, on the 9th June of the same year, less than a month after that Circular, another Circular was issued from the same Department, stating again the terms of the Treaty of 1818, and then containing the following paragraph: "Fishermen of the United States are bound to respect the British Laws for the regulation and preservation of the fisheries to the same extent to which they are applicable to British and Canadian fishermen." The same Circular, noticing the change made in the Canadian Fishery Act of 1868 by the amendment of 1870, makes this observation: "It will be observed that the warning formerly given is not required under the amended Act, but that vessels trespassing are liable to seizure without such warning."

The Canadian Statute of 1886.

Mr. Phelps is again under an erroneous impression with regard to the Statute introduced at the last Session of the Dominion Parliament.

He is informed that "since the seizure" the Canadian authorities have pressed, or are pressing, through the Canadian Parliament, in much haste, an Act which is designed, for the first time in the history of the Legislature, under this Treaty, to make the facts upon which the American vessels have been seized illegal, and to authorize proceedings against them therefor.

The following observations are appropriate in relation to this passage of Mr. Phelps' letter:—

1. The Act which he refers to was not passed with haste. It was passed through the two Houses in the usual manner, and with the observance of all the usual forms. Its passage occupied probably more time than was occupied in the passage through the Congress of the United States of a measure which possesses much the same character, and which will be referred to hereafter.

2. The Act has no bearing on the seizures referred to.

3. It does not make any act illegal which was legal before, but declares what penalty attaches to the offences which were already prohibited. It may be observed in reference to the charges of "undue haste," and of "legislating for the first time in the history of the legislation under the Treaty," that before the Statute referred to had become law the United States' Congress passed a Statute containing the following section:—

"That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbours, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his Proclamation, excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of each foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country; and on and after the date named in such Proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said Proclamation from the exercise of any commercial privileges shall do any act prohibited by said Proclamation in the ports, harbours, or waters of the United States for or on account of such vessel, such vessel and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this Act, or aiding and abetting any other person in such opposition, shall forfeit 800 dollars, and shall be guilty of a misdemeanour, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years."—Sec. 17 of Act No. 85 of Congress, 1886.

This enactment has all the features of hostility, which Mr. Phelps has stigmatized as "unprecedented in the history of legislation under the Treaty."

Enforcement of the Acts without Notice.

Mr. Phelps insists upon what he regards as "obvious grounds of reason and justice" and "upon common principles of comity, that previous notice should have been given of the new stringent restrictions" it was intended to enforce.

It has been already shown that no new restrictions have been attempted. The case of the "David J. Adams" is proceeding under the Statutes which have been enforced during the whole time when the Treaty had operation.

It is true that for a short time prior to the Treaty of Washington, and when expectations existed of such a Treaty being arrived at, the instructions of 1870, which are cited by Mr. Phelps, were issued by the Imperial authorities. It is likewise true that under these instructions the rights of Her Majesty's subjects in Canada were not insisted on in their entirety. These instructions were obviously applicable to the particular time at which and the particular circumstances under which they were issued by Her Majesty's Government.

But it is obviously unfair to invoke them now under wholly different circumstances as establishing a "practical construction" of the Treaty, or as affording any ground for claiming that the indulgence which they extended should be perpetual.

The Fishery Clauses of the Treaty of Washington were annulled by a notice from the

Government of the United States, and, as has already been urged, it would seem to have been the duty of that Government, rather than of the Government of Canada, to have warned its own people of the consequences which must ensue. This was done in 1870, by the Circulars from the Treasury Department at Washington, and might well have been done at this time.

Mr. Phelps has been pleased to stigmatize "the action of the Canadian authority in seizing and still detaining the 'David J. Adams' as not only unfriendly and discourteous but altogether unwarrantable."

He proceeds to state that that vessel "had violated no existing law," although his letter cites the Statute which she had directly and plainly violated; and he states that she "had incurred no penalty that any known Statute imposed;" while he has directed at large the words which inflict a penalty for the violation of that Statute. He declares it seems impossible for him to escape the conclusion that "this and similar seizures were made by the Canadian authorities for the deliberate purpose of harassing and embarrassing the American fishing-vessels in the pursuit of their lawful employment," and that "the injury is very much aggravated by the motives which appear to have prompted it."

He professes to have found the real source of the difficulty in the "irritation that has taken place among a portion of the Canadian people on account of the termination by the United States' Government of the Washington Treaty," and in a desire to drive the United States, "by harassing and annoying their fishermen, into the adoption of a new Treaty, by which Canadian fish shall be admitted free," and he declares that "this scheme is likely to prove as mistaken in policy as it is unjustifiable in principle."

He might, perhaps, have more accurately stated the real source of the difficulty had he suggested that the United States' authorities have long endeavoured, and are still endeavouring, to obtain that which by their solemn Treaty they deliberately renounced, and to deprive the Canadian people of that which by Treaty the Canadian people lawfully acquired.

The people of the British North American Provinces, ever since the year 1818 (with the exception of those periods in which the Reciprocity Treaty and the Fishery Clauses of the Washington Treaty prevailed), have, at enormous expense, and with great difficulty, been protecting their fisheries against encroachments by fishermen of the United States, carried on under every form and pretext, and aided by such denunciations as Mr. Phelps has thought proper to reproduce on this occasion. They value no less now than they formerly did the rights which were secured to them by the Treaty, and they are still indisposed to yield those rights, either to individual aggression or official demands.

The course of the Canadian Government since the rescission of the Fishery Clauses of the Washington Treaty has been such as hardly to merit the aspersions which Mr. Phelps has used. In order to avoid irritation and to meet a desire which the Government represented by Mr. Phelps professed to entertain for the settlement of all questions which could reawaken controversy, they renewed for six months after the expiration of those clauses all the benefits which the United States' fishermen had enjoyed under them, although, during that interval, the Government of the United States enforced against Canadian fishermen the Laws which those Fishery Clauses had suspended.

Mr. Bayard, the United States' Secretary of State, has made some recognition of these facts in a letter which he is reported to have written recently to the owners of the "David J. Adams." He says:—

"More than one year ago I sought to protect our citizens engaged in fishing from results which might attend any possible misunderstanding between the Governments of Great Britain and the United States as to the measure of their mutual rights and privileges in the territorial waters of British North America. After the termination of the Fishery Articles of the Treaty of Washington, in June last, it seemed to me then, and it seems to me now, very hard that differences of opinion between the two Governments should cause loss to honest citizens, whose line of obedience might be thus rendered vague and uncertain, and their property be brought into jeopardy. Influenced by this feeling, I procured a temporary arrangement which secured our fishermen full enjoyment of all Canadian fisheries, free from molestation, during a period which would permit discussion of a just international settlement of the whole Fishery question, but other counsels prevailed, and my efforts further to protect fishermen from such trouble as you now suffer were unavailing."

At the end of the interval of six months the United States' authorities concluded to refrain from any attempt to negotiate for larger fishery rights for their people, and they have continued to enforce their Customs Laws against the fishermen and people of Canada.

The least they could have been expected to do under these circumstances was to leave

to the people of Canada the full and unquestioned enjoyment of the rights secured to them by Treaty. The Government of Canada has simply insisted upon those rights and has presented to the legal Tribunals its claim to have them enforced.

The insinuations of ulterior motives, the imputations of unfriendly dispositions, and the singularly inaccurate representation of all the leading features of the questions under discussion, may, it has been assumed, be passed by with little more comment. They are hardly likely to induce Her Majesty's Government to sacrifice the rights which they have heretofore helped our people to protect, and they are too familiar to awaken indignation or surprise.

The Undersigned respectfully recommends that the substance of this Memorandum, if approved, be forwarded to the Secretary of State for the Colonies, for the information of Her Majesty's Government.

(Signed)

JNO. S. D. THOMPSON,

Minister of Justice.

Ottawa, July 22, 1886.

UNITED STATES. No. 2 (1887).

FURTHER CORRESPONDENCE

RESPECTING

NORTH AMERICAN FISHERIES:

1886-87.

[In continuation of "United States No. 1, 1887:" C. 4937.]

*Presented to both Houses of Parliament by Command of Her Majesty.
April 1887.*

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Further Correspondence respecting North American Fisheries.

No. 1.

Mr. Phelps to the Earl of Iddesleigh.—(Received December 4.)

My Lord, *Legation of the United States, London, December 2, 1886.*

REFERRING to the conversation I had the honour to hold with your Lordship on the 30th November, relative to the request of my Government that the owners of the "David J. Adams" may be furnished with a copy of the original Reports, stating the charges on which that vessel was seized by the Canadian authorities, I desire now to place before you in writing, the grounds upon which this request is preferred.

It will be in the recollection of your Lordship, from the previous correspondence relative to the case of the "Adams," that the vessel was first taken possession of for the alleged offence of having purchased a small quantity of bait within the port of Digby, in Nova Scotia, to be used in lawful fishing. That later on, a further charge was made against the vessel, of a violation of some Custom-house Regulation, which it is not claimed, so far as I can learn, was ever before insisted on in a similar case. I think I have made it clear in my note of the 2nd June last, addressed to Lord Rosebery, then Foreign Secretary, that no act of the English or of the Canadian Parliament existed at the time of this seizure, which legally justified it on the ground of the purchase of bait, even if such an act would have been authorized by the Treaty of 1818. And it is a natural and strong inference, as I have in that communication pointed out, that the charge of violation of Custom-house Regulations was an afterthought, brought forward in order to sustain proceedings commenced on a different charge and found untenable.

In the suit that is now going on in the Admiralty Court at Halifax for the purpose of condemning the vessel, still further charges have been added. And the Government of Canada seek to avail themselves of a clause in the Act of the Canadian Parliament of the 22nd May, 1868, which is in these words: "In case a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person seizing was or was not authorized to seize under this Act. . . . the burden of proving the illegality of the seizure shall be on the owner or claimant."

I cannot quote this provision without saying that it is, in my judgment, in violation of the principles of natural justice, as well as those of the common law. That a man should be charged by police or Executive officers with the commission of an offence, and then be condemned upon trial, unless he can prove himself to be innocent, is a proposition that is incompatible with the fundamental ideas upon which the administration of justice proceeds. But it is sought in the present case to carry the proposition much further, and to hold that the party inculpated must not only prove himself innocent of the offence on which his vessel was seized, but also of all other charges upon which it might have been seized, that may be afterwards brought forward and set up at the trial.

Conceiving that if the clause I have quoted from the Act of 1868 can have effect (if allowed any effect at all) only upon the charge on which the vessel was originally seized, and that seizure for one offence cannot be regarded as *prima facie* evidence of guilt of another, the counsel for the owners of the vessel have applied to the prosecuting officers to be furnished with a copy of the Reports made to the Government of Canada in connection with the seizure of the vessel, either by Captain Scott, the seizing officer, or by the Collector of Customs at Digby, in order that it might be known to the defendant, and be shown on trial, what the charge:

are on which the seizure was grounded, and which the defendant is required to disprove. This most reasonable request has been refused by the prosecuting officers.

Under these circumstances I am instructed by my Government to request of Her Majesty's Government that the solicitors for the owners of the "David J. Adams," in the suit pending in Halifax, may be furnished, for the purposes of the trial thereof, with copies of the Reports above mentioned. And I beg to remind your Lordship that there is no time to be lost in giving the proper direction, if it is to be in season for the trial, which, as I am informed, is being pressed.

I have, &c.

(Signed) E. J. PHELPS.

No. 2.

Mr. Phelps to the Earl of Iddesleigh.—(Received December 4.)

My Lord,

Legation of the United States, London, December 3, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 30th November, on the subject of the Canadian fisheries, and to say that I shall at an early day submit to your Lordship some considerations in reply.

Meanwhile, I have the honour to transmit, in pursuance of the desire expressed by your Lordship in conversation on the 30th November, a copy of an outline for a proposed *ad interim* arrangement between the two Governments on this subject, which has been prepared by the Secretary of State of the United States.

And I likewise transmit, in connection with it, a copy of the instruction from the Secretary of State which accompanied it, and which I am authorized to submit to your Lordship.

I have, &c.

(Signed) E. J. PHELPS.

Inclosure 1 in No. 2.

Proposal for the Settlement of all Questions in Dispute in relation to the Fisheries on the North-eastern Coasts of British North America.

WHEREAS, in the 1st Article of the Convention between the United States and Great Britain, concluded and signed in London on the 20th of October, 1818, it was agreed between the High Contracting Parties "that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, here above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground;" and was declared that "the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever

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abusing the privileges hereby reserved to them;" and whereas differences have arisen in regard to the extent of the above-mentioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, agree to appoint a Mixed Commission for the following purposes, namely:—

1. To agree upon and establish by a series of lines the limits which shall separate the exclusive from the common right of fishing on the coasts and in the adjacent waters of the British North American Colonies, in conformity with the 1st Article of the Convention of 1818, except that the bays and harbours from which American fishermen are in the future to be excluded, save for the purposes for which entrance into bays and harbours is permitted by said Article, are hereby agreed to be taken to be such bays and harbours as are 10 or less than 10 miles in width, and the distance of 3 marine miles from such bays and harbours shall be measured from a straight line drawn across the bay or harbour, in the part nearest the entrance, at the first point where the width does not exceed 10 miles, the said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

2. To agree upon and establish such Regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said Convention to the fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment, with as little expense as possible, for the violators of rights and the transgressors of the limits and restrictions which may be hereby adopted:

Provided, however, that the limits, restrictions, and Regulations which may be agreed upon by the said Commission shall not be final, nor have any effect, until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by Treaty or by laws, mutually acknowledged.

ARTICLE II.

Pending a definitive arrangement on the subject, Her Britannic Majesty's Government agree to instruct the proper colonial and other British officers to abstain from seizing or molesting fishing-vessels of the United States unless they are found within 3 marine miles of any of the coasts, bays, creeks, and harbours of Her Britannic Majesty's dominions in America, there fishing, or to have been fishing, or preparing to fish within those limits, not included within the limits within which, under the Treaty of 1818, the fishermen of the United States continue to retain a common right of fishery with Her Britannic Majesty's subjects.

ARTICLE III.

For the purpose of executing Article I of the Convention of 1818, the Government of the United States and the Government of Her Britannic Majesty hereby agree to send each to the Gulf of St. Lawrence a national vessel, and also one each to cruize during the fishing season on the southern coasts of Nova Scotia. Whenever a fishing-vessel of the United States shall be seized for violating the provisions of the aforesaid Convention by fishing or preparing to fish within 3 marine miles of any of the coasts, bays, creeks, and harbours of Her Britannic Majesty's dominions included within the limits within which fishing is by the terms of the said Convention renounced, such vessel shall forthwith be reported to the officer in command of one of the said national vessels, who, in conjunction with the officer in command of another of said vessels of the different nationality, shall hear and examine into the facts of the case. Should the said commanding officers be of opinion that the charge is not sustained, the vessel shall be released. But if they should be of opinion that the vessel should be subjected to a judicial examination, she shall forthwith be sent for trial before the Vice-Admiralty Court at Halifax. If, however, the said commanding officers should differ in opinion, they shall name some third person to act as Umpire between them, and should they be unable to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Umpire.

ARTICLE IV.

The fishing-vessels of the United States shall have in the established ports of entry of Her Britannic Majesty's dominions in America the same commercial privileges as other vessels of the United States, including the purchase of bait and other supplies ; and such privileges shall be exercised subject to the same Rules and Regulations and payment of the same port charges as are prescribed for other vessels of the United States.

ARTICLE V.

The Government of Her Britannic Majesty agree to release all United States' fishing-vessels now under seizure for failing to report at Custom-houses when seeking shelter, repairs, or supplies, and to refund all fines exacted for such failure to report. And the High Contracting Parties agree to appoint a Joint Commission to ascertain the amount of damage caused to American fishermen during the year 1886 by seizure and detention in violation of the Treaty of 1818, said Commission to make awards therefor to the parties injured.

ARTICLE VI.

The Government of the United States and the Government of Her Britannic Majesty agree to give concurrent notification and warning of Canadian Customs Regulations, and the United States agrees to admonish its fishermen to comply with them, and co-operate in securing their enforcement.

 Inclosure 2 in No. 2.

Mr. Bayard to Mr. Phelps.

Sir,

Department of State, Washington, November 15, 1886.

THE season for taking mackerel has now closed, and I understand the marine police force of the territorial waters in British North America has been withdrawn, so that no further occasion for the administration of a strained and vexatious construction of the Convention of 1818, between the United States and Great Britain, is likely for several months at least.

During this period of comparative serenity, I earnestly hope that such measures will be adopted by those charged with the administration of the respective Governments as will prevent the renewal of the proceedings witnessed during the past fishing season in the ports and harbours of Nova Scotia, and at other points in the maritime provinces of the Dominion, by which citizens of the United States engaged in open-sea fishing were subjected to much unjust and unfriendly treatment by the local authorities in those regions, and thereby not only suffered serious loss in their legitimate pursuit, but, by the fear of annoyance, which was conveyed to others likewise employed, the general business of open-sea fishing by citizens of the United States was importantly injured.

My instructions to you during the period of these occurrences have from time to time set forth their regrettable character, and they have also been brought promptly to the notice of the Representative of Her Majesty's Government at this capital.

These representations, candidly and fully made, have not produced those results of checking the unwarranted interference (frequently accompanied by rudeness and an unnecessary demonstration of force) with the rights of our fishermen guaranteed by express Treaty stipulations, and secured to them—as I confidently believe—by the public Commercial Laws and Regulations of the two countries, and which are demanded by the laws of hospitality to which all friendly civilized nations owe allegiance. Again I beg that you will invite Her Majesty's Counsellors gravely to consider the necessity of preventing the repetition of conduct on the part of the Canadian officials which may endanger the peace of two kindred and friendly nations.

To this end, and to insure to the inhabitants of the Dominion the efficient protection of the exclusive rights to their inshore fisheries, as provided by the Convention of 1818, as well as to prevent any abuse of the privileges reserved and guaranteed by that instrument for ever to the citizens of the United States engaged

in fishing, and responding to the suggestion made to you by the Earl of Iddesleigh in the month of September last that a *modus vivendi* should be agreed upon between the two countries to prevent encroachment by American fishermen upon the Canadian inshore fisheries, and equally to secure them from all molestation when exercising only their just and ancient rights, I now inclose the draft of a Memorandum which you may propose to Lord Iddesleigh, and which, I trust, will be found to contain a satisfactory basis for the solution of existing difficulties, and assist in securing an assured, just, honourable, and therefore mutually satisfactory settlement of the long-vexed question of the North Atlantic fisheries.

I am encouraged in the expectation that the propositions embodied in the Memorandum referred to will be acceptable to Her Majesty's Government, because, in the month of April 1866, Mr. Seward, then Secretary of State, sent forward to Mr. Adams, at that time United States' Minister in London, the draft of a Protocol which in substance coincides with the first Article of the proposal now sent to you, as you will see by reference to vol. i of the United States' Diplomatic Correspondence for 1866, p. 98 *et seq.*

I find that in a published instruction to Sir F. Bruce, then Her Majesty's Minister in the United States, under date of the 11th May, 1866, the Earl of Clarendon, at that time Her Majesty's Secretary of State for Foreign Affairs, approved them, but declined to accept the final proposition of Mr. Seward's Protocol, which is not contained in the Memorandum now forwarded.

Your attention is drawn to the great value of these three propositions as containing a well-defined and practical interpretation of Article I of the Convention of 1818, the enforcement of which co-operatively by the two Governments, it may reasonably be hoped, will efficiently remove those causes of irritation of which variant constructions hitherto have been so unhappily fruitful.

In proposing the adoption of a width of 10 miles at the mouth as a proper definition of the bays in which, except on certain specified coasts, the fishermen of the United States are not to take fish, I have followed the example furnished by France and Great Britain in their Convention signed at Paris on the 2nd of August, 1839. This definition was referred to and approved by Mr. Bates, the Umpire of the Commission under the Treaty of 1853, in the case of the United States' fishing-schooner "Washington," and has since been notably approved and adopted in the Convention signed at the Hague in 1882, and subsequently ratified in relation to fishing in the North Sea between Germany, Belgium, Denmark, France, Great Britain, and the Netherlands.

The present Memorandum also contains provisions for the usual commercial facilities allowed everywhere for the promotion of legitimate trade, and nowhere more freely than in British ports and under the commercial policies of that nation. Such facilities cannot with any show of reason be denied to American fishing-vessels when plying their vocation in deep-sea fishing-grounds in the localities open to them equally with other nationalities. The Convention of 1818 inhibits the "taking, drying, or curing fish" by American fishermen in certain waters and on certain coasts, and when these objects are effected, the inhibitory features are exhausted. Everything that may presumably guard against an infraction of these provisions will be recognized and obeyed by the Government of the United States, but should not be pressed beyond its natural force.

By its very terms and necessary intendment the same Treaty recognizes the continuance permanently of the accustomed rights of American fishermen in those places not embraced in the renunciation of the Treaty to prosecute the business as freely as did their forefathers.

No construction of the Convention of 1818 that strikes at or impedes the open-sea fishing by citizens of the United States can be accepted, nor should a Treaty of Friendship be tortured into a means of such offence, nor should such an end be accomplished by indirection. Therefore, by causing the same Port Regulations and commercial rights to be applied to vessels engaged therein as are enforced relative to other trading craft, we propose to prevent a ban from being put upon the lawful and regular business of open-sea fishing.

Arrangements now exist between the Governments of Great Britain and France and Great Britain and Germany for the submission in the first instance of all cases of seizure to the joint examination and decision of two discreet and able commanding officers of the navy of the respective countries whose vessels are to be sent on duty to cruize in the waters to be guarded against encroachment. Copies of these Agreements are herewith inclosed for reference. The additional feature of an Umpire, in case of a

difference in opinion, is borrowed from the terms of Article I of the Treaty of the 5th June, 1854, between the United States and Great Britain.

This same Treaty of 1854 contains in its first Article provision for a Joint Commission for marking the fishing limits, and is therefore a precedent for the present proposition.

The season of 1886 for inshore fishing on the Canadian coasts has come to an end, and assuredly no lack of vigilance or promptitude in making seizures can be ascribed to the vessels of the marine police of the Dominion. The record of their operations discloses but a single American vessel found violating the inhibitions of the Convention of 1818 by fishing within 3 marine miles of the coast. The numerous seizures made have been of vessels quietly at anchor in established ports of entry, under charges which, up to this day, have not been particularized sufficiently to allow of an intelligent defence. Not one has been condemned after trial and hearing, but many have been fined without hearing or judgment for technical violations of alleged Commercial Regulations, although all commercial privileges have been simultaneously denied to them. In no instance has any resistance been offered to Canadian authority, even when exercised with useless and irritating provocation.

It is trusted that the Agreement now proposed may be readily accepted by Her Majesty's Ministry.

Should the Earl of Iddesleigh express a desire to possess the text of this despatch, in view of its intimate relation to the subject-matter of the Memorandum, and as evidencing the sincere and cordial disposition which prompts this proposal, you will give his Lordship a copy.

I am, &c.
(Signed) T. F. BAYARD.

(Inclosures.)

1. Memorandum of draft Proposals.
2. Arrangement of the 14th November, 1885, between France and Great Britain (with other papers).*
3. Convention for regulating the Police of the North Sea Fisheries, signed at the Hague on the 6th May, 1882.

No. 3.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, December 8, 1886.

I HAVE to acknowledge the receipt of your despatch of the 12th ultimo, and to request you, in reply, to acquaint Mr. Bayard that Her Majesty's Government have desired the Canadian Government to furnish them with a Report on the circumstances attending the alleged inhospitable treatment of the United States' fishing-schooners "Laura Sayward" and "Jennie Seaverns" by the Canadian authorities.

I am, &c.
(Signed) IDDESLEIGH.

No. 4.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, December 8, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you copy of a despatch from Her Majesty's Minister at Washington, inclosing copies of notes which he has received from Mr. Bayard, protesting against the conduct of the Dominion authorities in their dealings with the United States' fishing-vessels "Laura Sayward" and "Jennie Seaverns;"† and I am to request that Mr. Secretary Stanhope will procure a Report on

* See "Newfoundland, January 1886," C.—464i.

† See "United States No. 1 (1887)," p. 154.

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these cases from the Canadian Government, with a view to its communication to the Government of the United States.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 5.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, December 9, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, copy of a note from the United States' Minister at this Court, inclosing an outline for an *ad interim* arrangement between the two Governments on the subject of the North American Fisheries, accompanied by a despatch from Mr. Bayard containing some observations thereon.*

I am to suggest that the views of the Governments of Canada and Newfoundland with regard to this proposal should be obtained with the least possible delay, in order that Her Majesty's Government may be able to consider at an early date what reply should be made to Mr. Phelps' communication.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 6.

The Earl of Iddesleigh to Mr. Phelps.

Sir,

Foreign Office, December 10, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 3rd instant, inclosing an outline for an *ad interim* arrangement between Great Britain and the United States on the subject of the North American fisheries, accompanied by a despatch from Mr. Bayard containing some observations thereon.

I beg leave to state, in reply, that Her Majesty's Government will not fail to give immediate and careful consideration to this communication, in consultation with the Colonial Governments concerned, and that I hope shortly to be in a position to address a further communication to you on the subject.

I have, &c.
(Signed) IDDESLEIGH.

No. 7.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, December 10, 1886.

I TRANSMIT herewith, for your information, a copy of a letter from the Colonial Office inclosing a copy of an Order of Her Majesty in Council assenting to the Reserved Bill of the Legislature of Canada, entitled "An Act further to amend the Act respecting Fishing by Foreign Vessels."†

I am, &c.
(Signed) IDDESLEIGH.

No. 8.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, December 11, 1886.

I TRANSMIT herewith, for your information, copies of correspondence, as marked in the margin,‡ concerning a proposal made by the United States' Government for an

* No. 2.

† See "United States No. 1 (1887)," p. 169.

‡ Nos. 2, 5, and 6.

ad interim arrangement between the two Governments on the subject of the North American Fisheries question.

I am, &c.
(Signed) IDDESLEIGH.

No. 9.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, December 11, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you a copy of a note from the United States' Minister at this Court, asking that the solicitors retained for the defence in the case of the "David J. Adams" may be supplied with a full Report of the charges made against that vessel;* and I am to request that you will suggest to Mr. Secretary Stanhope that inquiry should be made, by telegraph, whether the Canadian Government feel themselves able to comply with this request, and, if not, that they should be requested to state the grounds on which it is refused.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 10.

Sir L. West to the Earl of Iddesleigh.—(Received December 13.)

My Lord,

Washington, December 2, 1886.

I HAVE the honour to inclose to your Lordship, herewith, a further note which I have received from the Secretary of State, complaining in strong terms of the conduct of the Canadian authorities in the case of the American fishing-schooner "Molly Adams," the captain of which vessel states, in a letter to the Secretary of State, copy of which is inclosed, that he had seventeen men on board whom he had rescued from the British schooner "Neskilita," of Lockport (Nova Scotia).

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 10.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, December 1, 1886.

AS possessing an additional and very disagreeable bearing upon the general subject of the harsh treatment of American fishing-vessels during the late season by the local authorities of the maritime provinces of Her Majesty's Dominion of Canada, I have the honour to send you herewith a copy of a letter addressed to me under date of the 12th ultimo, by Captain Solomon Jacobs, master of the American fishing-schooner "Molly Adams," of Gloucester, Massachusetts. You will share, I doubt not, the regret I feel at such churlish and inhospitable treatment of a vessel which had freely and with great loss and inconvenience, rendered such essential service to the suffering and imperilled crew of a Nova Scotian vessel. But for his generous act, Captain Jacobs would have had no occasion to put into Malpeque, or, subsequently, when short of provisions, into Port Medway. As his narrative shows, the local authorities at Malpeque treated him with coldness and rudeness, making no provision to receive the Nova Scotian crew he had saved from such imminent danger, even causing him to incur a pecuniary burden in completion of his humane rescue, and even treating the landing of the property so saved from the wreck of the Nova Scotian vessel on her own shores, as not lawful for an American fishing-vessel "within the 3-mile limit."

The treatment of Captain Jacobs at Port Medway is a fitting sequel to that received by him at Malpeque. Having undergone fourteen days' detention in the latter port, and having shared his purse and slender stock of provision with the men he had rescued, he put to sea, when, his supplies falling short by reason of his charitable action, he asked

leave to purchase at Port Medway "half a barrel of flour, or enough provisions to take his vessel and crew home." With full knowledge of the cause of Captain Jacobs' dearth of provisions, even this the Collector at Port Medway absolutely refused, and threatened Captain Jacobs with the seizure of his vessel "if he bought anything whatever." The urgent need of supplies in which Captain Jacobs stood is shown by the fact that, although the run, with favourable weather, from Port Medway to his home port, Gloucester, Massachusetts, only occupied three days, his crew were on half rations for two days, and without food for one day of that time. It is painful to conjecture what might have been their distress had the "Molly Adams" encountered storms or head winds.

I am confident that Her Majesty's Government, than which none has more generously fulfilled the obligations of the unwritten code of sea-faring humanity, will hasten to rebuke the treatment of Captain Jacobs at the hands of the local authorities of Nova Scotia, by exhibiting gratitude for his act in saving seventeen of their own people from death, and tendering him compensation for the delays and expenses he has undergone through the breaking-up of his legitimate fishing venture.

The closing part of Captain Jacobs' letter may serve to show the irresponsible and different treatment he was subjected to in the several ports he visited, where the only common feature seems to have been a surly hostility. At Port Hood, for instance, Captain Jacobs being sick, his brother landed and reported in his stead, and, after paying the regular fee, was told that his report was a nullity, and that the vessel would be liable to a penalty for unauthorized landing of her crew unless her captain reported in person, which, although ill, he was compelled to do, and the fee was thereupon levied a second time. This is a small matter, measured by the amount of the fee, but it is surely discreditable, and has a tendency which cannot be too much deplored.

In my late correspondence, I have treated of the necessary and logical results of permitting so irritating and unfriendly a course of action, and I will not therefore now enlarge on this subject.

I have, &c.
(Signed) T. F. BAYARD.

Inclosure 2 in No. 10.

Captain Jacobs to Mr. Bayard.

Sir,

Gloucester, November 12, 1886.

I WOULD most respectfully ask your attention to the following facts, as showing the spirit and manner of the application of law on the part of the officials of the Dominion of Canada:

On or about the 26th September, when off Malpeque, Prince Edward's Island, I fell in with the British schooner "Neskilita," of Lockport, Nova Scotia, which had run on Malpeque Bar in making the harbour. It was blowing very heavy, sea running high. The crew was taken off by my vessel about 12 o'clock at night. There were seventeen men in all. We took care of them and fed them for three days. The "Neskilita" became a total wreck. We saved some of the material.

The cutter "Critic," Captain McClennan, one of the Canadian cruizers, was lying in the harbour of Malpeque. The Captain boarded my vessel, and I reported to him the facts of the wreck, and the condition of the men. They had saved a portion of their clothing. He neither offered to care for the wrecked crew, to feed them, or to give them or myself any assistance whatever. Having some of the wrecked material on board I asked the Captain of the cutter for permission to land it. He referred me to the local Collector.

I went to the Collector, and he referred me back to the Captain of the cutter. As the cutter had gone out the captain of the "Neskilita" assumed the responsibility, and took the things ashore. The Captain of the cutter told me that I could put the saved material on board a Nova Scotia vessel if I went outside of the 3-mile limit to do it.

I endeavoured to get some of the people on shore to take the wrecked crew, but no one would do it unless I would be responsible for their board. Finally, I gave the crew 60 dollars, enough to pay their passage home on the cars, and also gave them provisions to last during their journey. Malpeque is a barred harbour, and it is only in smooth water that it is safe to go out over the bar, and my vessel drawing 14 feet of water, and there was only 14 feet of water on the bar, it was impossible for me to go out. By being

detained in port in disposing of this wrecked crew, I lost over ten days of valuable time before I could get out to fish, and during that time the fleet took large quantities of mackerel. Having to feed so many on my vessel left me short of provisions, and in a short time afterwards I put into Port Medway and stated the circumstances, and asked permission to buy half a barrel of flour or enough provisions to take my vessel and crew home.

This was absolutely refused, and the Collector threatened me that if I bought anything whatever he would seize my vessel. I was obliged to leave without obtaining, and came home in three days, on short rations, a distance of 300 miles. The wind and weather being favourable we had a good passage, but yet we were without provisions for one day before we arrived home. I wish to state most emphatically that the officials differ in their construction of our rights. Fees are different in every part, and as there is no standard of right fixed by our own Government, the fishermen are at the mercy of a class of officials hostile to them and their business, and with but little knowledge of law and its application. For instance, at Souries, Prince Edward's Island, 15 cents is charged for reporting; at Port Mulgrave, Nova Scotia, 50 cents is charged. At Port Hood, I, being sick, my brother went to the custom-house to report. The official charged him 25 cents, and told him that unless the captain reported in person the report was invalid; that men from the vessel would not be allowed ashore unless the captain reported. In the afternoon of the same day I was able to go to the office, and was charged 25 cents for my report, making 50 cents.

In the matter of anchorage fees, at Port Mulgrave, Nova Scotia, I paid 1 dol. 50 c.; at Malpeque, 1 dollar; at Sydney, 1 dol. 17 c. At some ports we have to pay anchorage fees every time we go in, as at Halifax. At others, twice for the season. Now I would most respectfully state that the official service throughout is actuated apparently from a principle of annoyance wherever and whenever it can be so applied; that there is only harmony of action in this regard alone, and that local Laws and Regulations are enforced against us without regard to any rights we may have under Treaty.

That the effect of this enforcement is not to promote, but to interfere, and to limit, by unjust pains, fees and penalties, the right of shelter, obtaining wood and water, and making of repairs guaranteed by Treaty of 1818; that, instead of the restriction contemplated, the local Laws make a technical obligation that is without their province or power and enforce penalties that should never be admitted or allowed by our Government.

And I would pray, that in the case recited, and many others that can be shown if required, we may be protected from local Laws and their enforcement, that abridge our rights, and have never received the sanction of the two Great Contracting Powers in the construction and agreement of the Treaty of 1818.

I have, &c.
(Signed) SOLOMON JACOBS.

North Sydney, C.B., October 13, 1886.

"Molly Adams," 117 tons, Captain Jacobs. To Harbour Commissioners: to amount of harbour dues, 1 dol. 17. c.

Received payment,
(Signed) M. J. THUAN.

Dominion of Canada. Harbour Dues.

Malpeque, Prince Edward's Island, 1886.

Received from Solomon Jacobs, master of the schooner "Molly Adams," from North Sydney, 118 tons register, the sum of 1 dollar, being harbour dues at this port.

(Signed) EDWARD LARKINS, Harbour-master.

Dominion of Canada. Harbour Dues.

Port Mulgrave, N.S., August 30, 1886.

Received from Solomon Jacobs, master of the schooner "Molly Adams," from North Sydney, 117 tons register, the sum of 1 dol. 50 c., being harbour dues at this port.

(Signed) DUNCAN C. GILLIES, Harbour-master.

Mr. Bramston to Sir J. Pauncefote.—(Received December 15.)

Sir,

Downing Street, December 15, 1886.

I AM directed by Mr. Secretary Stanhope to acknowledge the receipt of your letter of the 11th instant, inclosing a copy of a note from the United States' Minister at this Court asking that the solicitors for the defence in the case of the "David J. Adams" may be supplied with a full Report of the charges made against that vessel.

Before making any representation to the Canadian Government upon this subject, the Secretary of State would point out that Mr. Phelps' request is that the necessary directions may be given for supplying to the solicitors for the owners of the "David J. Adams" copies of certain official Reports made in May last by the Canadian officers to their official superiors, and would be glad to learn whether the question has presented itself to Lord Iddesleigh from the point of view from which it strikes Mr. Stanhope, viz., that the United States' Government are inviting Her Majesty's Government to intervene in the conduct of this litigation, and by the pressure of its Executive to endeavour to induce the Canadian Government to furnish the other litigant with documents which, seemingly under the advice of counsel, it has already refused to give.

Assuming that the facts respecting the charge of violating the Customs Law are as alleged by Mr. Phelps, they can probably be elicited at the trial by ordinary methods of examination; while, if elicited, they would not, as it appears to Mr. Stanhope, necessarily save the vessel from the sentence of the Court, whatever grounds they might furnish for the Government not enforcing a forfeiture if pronounced.

I am also to point out that Mr. Phelps does not identify, and apparently has not been supplied with a copy of, the Canadian Act of 1868, upon which he mainly founds his present request. It is, in point of fact, the Statute cap. 61 of that year, providing for the issue of licences to foreign fishing-vessels and for the forfeiture of vessels fishing without a licence, a Statute which, so far as relates to the issue of licences, has, as Lord Iddesleigh is aware, been inoperative since 1870. The section (No. 10) which appears to Mr. Phelps to be in violation of the principles of natural justice is habitually found in laws against smuggling, and in the present case appears to be based upon the common sense rule of law that a man who pleads that he holds a licence, or other similar document, shall be put to the proof of his plea, and required to produce the document. The suggestion that the section quoted by Mr. Phelps will be applied to seizures not "under the Act" needs no answer, and may be left to the Court to deal with should occasion arise.

Unless the counsel for the vessel have not been furnished with the Report of the Minister of Marine and Fishery approved by the Canadian Privy Council on the 14th June, 1886,* and transmitted to the Foreign Office from this Department on the 29th June, they will have learned that from a date immediately after the seizure "there was not the slightest difficulty in the United States' Consul-General and those interested in the vessel obtaining the fullest information," and that "apart from the general knowledge of the offences which it was claimed the master had committed, and which was furnished at the time of the seizure, the most technical and precise details were readily obtainable at the Registry of the Court and from the Solicitors for the Crown."

On reference to the Marquis of Lansdowne's despatch of the 11th May, 1886,† transmitted to the Foreign Office on the 4th June, it would be seen that before the 11th May the United States' Government must have learnt the nature of the charges brought against the "David J. Adams," and that they included "violation of the Customs Act, 1883." The same information is contained in the Report of the Minister of Marine and Fisheries above cited.

With these passages before him, Mr. Stanhope finds a difficulty in believing that the counsel for the vessel are not fully aware of the charges which they will have to meet, although they have not obtained the particular Report to which Mr. Phelps alludes.

Under these circumstances, Mr. Stanhope is doubtful whether there would be advantage in telegraphing the proposed inquiry to the Canadian Government; but if Lord Iddesleigh, after considering this letter, still thinks it important that the request should be preferred, he would ask to be supplied with the text of the message which Lord Iddesleigh desires should be sent.

I am, &c.
(Signed) JOHN BRAMSTON.

* See "United States No. 1 (1887,)" p. 76.

† Ibid., p. 56.

Sir J. Pauncefote to Sir R. Herbert.

Sir, *Foreign Office, December 15, 1886.*
 WITH reference to my letter of the 4th October last, I am directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Minister at Washington, inclosing copy of a further note from the United States' Secretary of State, protesting against the action of the Canadian authorities with regard to the United States' fishing-schooner "Molly Adams."*

I am to request that the Dominion Government may be asked to furnish a Report, as soon as possible, upon the allegations now made by the master of the United States' vessel, as well as on the previous note from Mr. Bayard on this subject inclosed in my letter of the 4th October last.

I am, &c.
 (Signed) JULIAN PAUNCEFOTE.

Mr. Bramston to Sir J. Pauncefote.—(Received December 16.)

Sir, *Downing Street, December 16, 1886.*
 WITH reference to your letters of the 4th, and to the reply from this Department of the 23rd ultimo, respecting the United States' fishing-vessels "Pearl Nelson" and "Everett Steele," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, copies of despatches, with their inclosures, from the Governor-General of Canada, on the subject.

I am, &c.
 (Signed) JOHN BRAMSTON.

Inclosure 1 in No. 13.

The Marquis of Lansdowne to Mr. Stanhope.

Sir, *Government House, Ottawa, November 29, 1886.*
 I HAVE the honour to transmit herewith a copy of an approved Minute of the Privy Council of Canada, furnishing the Report asked for in your telegraphic message of the 6th November, with reference to the detention of the American schooner "Everett Steele," at Shelburne, Nova Scotia, for an infraction of the Customs Regulations of the Dominion.

I have, &c.
 (Signed) LANSDOWNE.

Inclosure 2 in No. 13.

Report of a Committee of the Honourable the Privy Council for Canada, approved by His Excellency the Governor-General in Council on the 18th November, 1886.

THE Committee of the Privy Council are in receipt of a telegram from the Right Honourable the Secretary of State for the Colonies, in the words "United States' Government protest against proceedings of Canadian authorities in case of 'Pearl Nelson' and 'Everett Steele,' said to have put into Arichat and Shelburne respectively, for purposes sanctioned by Convention. Particulars by post. Send Report soon as possible."

The Minister of Marine and Fisheries, to whom the telegram was referred, submits that the schooner "Everett Steele" appears, from the Report of the Collector of Customs at Shelburne, to have been at that port on the 25th March last, and sailed without reporting. On her return to Shelburne in September she was detained by the Collector of Customs for an infraction of the Customs Law.

The captain having assured the Collector that he had been misled by the Deputy

Harbour-master, who informed him his vessel could remain in port for twenty-four hours without entering, and that he had no intention of violating the Customs Regulations, this statement was reported to the Minister of Customs at Ottawa, when the vessel was at once allowed to proceed to sea, and that no evidence is given of any desire or intention of denying to the captain of the "Everett Steele" any Treaty privileges he was entitled to enjoy.

The Committee, concurring in the above, respectfully recommend that your Excellency be moved to transmit a copy of this Minute, if approved, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, *Clerk, Privy Council.*

Inclosure 3 in No. 13.

The Marquis of Lansdowne to Mr. Stanhope.

Sir,

Government House, Ottawa, November 29, 1886.

WITH reference to your telegraphic message of the 6th instant, asking to be furnished with a Report in the case of the "Pearl Nelson" and "Everett Steele," I have the honour to transmit herewith a copy of an approved Minute of the Privy Council of Canada embodying a Report of my Minister of Marine and Fisheries, to which is appended a copy of the correspondence which has passed between the Commissioner of Customs for Canada and the United States' Consul-General at Halifax relating to the case of the American schooner "Pearl Nelson."

I have, &c.

(Signed) LANSDOWNE.

Inclosure 4 in No. 13.

Report of a Committee of the Honourable the Privy Council for Canada, approved by His Excellency the Governor-General in Council on the 18th November, 1886.

THE Committee of the Privy Council are in receipt of a telegram from the Right Honourable the Secretary of State for the Colonies in the words:—

"United States' Government protest against proceedings of Canadian authorities in case of 'Pearl Nelson' and 'Everett Steele,' said to have put into Arichat and Shelburne respectively for purposes sanctioned by Convention. Particulars by post. Send Report soon as possible."

The Minister of Marine and Fisheries, to whom the telegram was referred, submits a copy of a letter addressed by the Commissioner of Customs for Canada to the Consul-General of the United States at Halifax, and also a copy of Mr. Phelan's reply thereto.

The Minister submits that it is clear, from Captain Kempt's affidavit, that he was guilty of an infraction of the Customs Regulations in allowing men to land from his vessel before she had been reported, and the Minister of Customs having favourably considered Captain Kempt's representations as to his ignorance of the Customs Regulations requiring that vessels should be reported before landing either men or cargo therefrom has remitted the fine of 200 dollars which had been imposed in the case of the American schooner "Pearl Nelson."

The Minister further submits that it would appear from the Collector of Customs' Report that his remark that "he would seize the vessel," had reference solely to her violation of the Customs Law, and that no evidence is given of any desire or intention of denying to the captain of the "Pearl Nelson" any Treaty privileges he was entitled to enjoy.

The Committee, concurring in the above, respectfully recommend that your Excellency be moved to transmit a copy of this Minute, if approved, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, *Clerk, Privy Council, Canada.*

Inclosure 5 in No. 13.

Mr. Parmelee to Mr. Phelan.

Sir,

Ottawa, October 22, 1886.

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant, *re* seizure of the American schooner "Pearl Nelson" for an infraction of the Customs Laws, &c.

The Commissioner of Customs Report in connection with this matter, which has been approved by the Minister of Customs, reads as follows:—

"The Undersigned, having examined this case, has come to the conclusion that the captain of the vessel did violate the provisions of sections 25 and 180 of 'The Customs Act, 1883,' by landing a number of his crew before going to the custom-house to report; that his plea of having come into port solely from stress of weather is inconsistent with the circumstances, and is denied by the Collector of Customs, who reports that 'the night was one of the finest and most moderate experienced there this summer,' and that 'his crew were landed only in the morning.' That even if the 'stress of weather' plea was sustained by facts it would not exempt him from the legal requirement of reporting his vessel before 'breaking bulk' or landing his crew, and it is evident that there was nothing to hinder his reporting, as the crew appear to have had no difficulty in handling the vessel's boats; that it was very easy for the crew or any of them to have taken valuable contraband goods ashore on their persons, in the absence of any Customs Officer at the landing-place. Inasmuch, however, as there is no charge of actual smuggling preferred against the vessel, the Undersigned respectfully recommends that the deposit of 200 dollars be refunded, deducting therefrom any expenses incurred

(Signed) "J. JOHNSON."

I trust the above may be considered a satisfactory answer to your letter referred to.

I have, &c.

(Signed) W. G. PARMELEE, *Assistant Commissioner.*

Inclosure 6 in No. 13.

Mr. Phelan to Mr. Parmelee.

Sir,

Halifax, November 2, 1886.

I HAVE the honour to acknowledge the receipt of your communication of the 22nd ultimo, concerning the action of the Customs Department of Canada in the case of the American schooner "Pearl Nelson," and to say I was much pleased at the decision arrived at in that case. I have informed the Government of the United States that the fine in the case referred to was ordered to be refunded.

I have also to say that the Department of State, in acknowledging the receipt of a despatch from me, setting forth that you had placed all the papers in the cases of the American schooners "Crittenden" and "Holbrook" in my hands for perusal, said "the attention of Mr. Parmelee in referring the matter to you is appreciated. It shows a proper spirit."

I trust the Department of Customs will pass on the other cases as soon as possible.

I have, &c.

(Signed) M. H. PHELAN, *Consul-General.*

No. 14.

The Earl of Iddesleigh to Mr. Phelps.

Sir,

Foreign Office, December 16, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 27th ultimo, relative to the case of the "Marion Grimes," stated to have been fined and detained at Shelburne, Nova Scotia, in October last.

As other cases besides that of the "Marion Grimes" are alluded to in the documents forwarded with your note, it will be desirable to take each case separately, and to inform you shortly of the steps which Her Majesty's Government have taken in regard to them.

In respect to the case of the "Marion Grimes," I have already received, through Her Majesty's Secretary of State for the Colonies, a copy of a despatch from the Dominion Government,* in which they express their regret at the action taken by Captain Quigley in hauling down the United States' flag. I have transmitted a copy of this despatch to Her Majesty's Minister at Washington, with instructions to communicate it to Mr. Bayard, and I beg leave now to inclose a copy of it for your information.†

Her Majesty's Government cannot doubt that, as respects the incident of the flag, the apology thus spontaneously tendered by the Canadian Government will be accepted by the United States' Government in the friendly and conciliatory disposition in which it is offered; whilst as regards the other statements concerning Captain Quigley's conduct, Her Majesty's Government do not at present feel themselves in a position to express any opinion.

The Dominion Government have been requested to furnish a full Report on the various circumstances alleged, and when this is received I shall have the honour to address a further communication to you upon the subject.

As concerns the cases of the "Julia Ellen" and "Shiloh," it will probably suffice to communicate to you the inclosed copies of Reports from the Canadian Government relative to these two vessels.‡ These Reports have already been sent to Her Majesty's Minister at Washington for communication to Mr. Bayard.§

The protest made by the United States' Government in the case of the "Everett Steele" was not received in this country until the 1st ultimo, and, although the Canadian Government have been requested, by telegraph, to furnish a Report upon the circumstances alleged, sufficient time has not yet elapsed to enable Her Majesty's Government to be in possession of the facts as reported by the Dominion authorities.

Her Majesty's Government greatly regret that incidents of the description alluded to should occur; and they can only renew the assurance conveyed to you in my note of the 30th ultimo, that whilst firmly resolved to uphold the undoubted Treaty rights of Her Majesty's North American subjects in regard to the fisheries, they will also maintain the equally undoubted right of United States' fishermen to obtain shelter in Canadian ports under such restrictions as may be necessary to prevent their abusing the privileges reserved to them by Treaty.

I notice that in Mr. Bayard's note to you of the 6th ultimo, concerning the case of the "Marion Grimes," and also in his note to Sir L. West of the 19th October last, relative to the case of the "Everett Steele," an old discussion is revived which Her Majesty's Government had hoped was finally disposed of by the correspondence which took place on the subject in 1815 and 1816.

I allude to the argument that a right to the common enjoyment of the fisheries by Great Britain and the United States, after the separation of the latter from the mother country, was recognized by the Treaty of 1783, although the exercise of that right was made subject to certain restrictions.

I refer to this point merely to observe that the views of Her Majesty's Government in relation to it have not been modified in any way since the date of Lord Bathurst's note of the 30th October, 1815, to Mr. John Quincy Adams.

I have, &c.
(Signed) IDDESLEIGH.

No. 15.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, December 16, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you a copy of a note from the United States' Minister at this Court, calling attention to the circumstances attending the detention of the "Marion Grimes" at Shelburne, Nova Scotia, and requesting the withdrawal of Captain Quigley, of the Canadian cruiser "Terror."¶

I am to request that you will move Mr. Secretary Stanhope to call for a full Report from the Canadian Government upon the circumstances alleged; and I am in the meanwhile to inclose a copy of the reply which Lord Iddesleigh has addressed to Mr. Phelps.¶

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

* See "United States No. 1 (1887)," p. 150.
‡ Ibid., p. 146.

§ Ibid., p. 156.

¶ Ibid., p. 158. ¶ No. 14.

† Ibid., p. 156.

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No. 16.

Sir P. Currie to Mr. Bramston.

Sir,

Foreign Office, December 23, 1886.

IN reply to your letter of the 15th instant, I am directed by the Earl of Iddesleigh to request you to state to Mr. Secretary Stanhope that his Lordship is of opinion that the solicitors of the owners of the "David J. Adams" are not entitled to the documents they seek to procure, as otherwise they could obtain them by the ordinary process of the Courts, and that, under these circumstances, it does not lie with Her Majesty's Government to interfere with the course of justice.

I am, however, to add that his Lordship considers it would be advisable to inform the Canadian Government of the application made by Mr. Phelps, and to inquire whether they concur in a reply being made thereto in the above sense, and whether they have any observations to offer before such a reply is sent.

I am, &c.
(Signed) P. CURRIE.

No. 17.

Sir L. West to the Earl of Iddesleigh.—(Received December 24.)

My Lord,

Washington, December 10, 1886.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 26th ultimo, which I received on the 7th instant, and to inform your Lordship that I communicated copies of the correspondence therein contained respecting the conduct of the Canadian authorities in the cases of the American vessels "Rattler," "Shiloh," "Julia Ellen," "Mascotte," and "Marion Grimes" to the Secretary of State on the 8th instant.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 18.

Sir L. West to the Earl of Iddesleigh.—(Received December 24.)

My Lord,

Washington, December 10, 1886.

I HAVE the honour to inclose to your Lordship herewith the correspondence on the Fisheries question which has been laid before Congress, as published in the newspapers.* The official print is not yet ready for distribution.

Your Lordship will perceive that in his letter transmitting this correspondence the Secretary of State recommends that a Commission should be appointed to take perpetuating proofs of the losses sustained during the past year by American fishermen in consequence of the interference of the Canadian authorities with their legitimate occupations.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 19.

Sir L. West to the Earl of Iddesleigh.—(Received December 24.)

My Lord,

Washington, December 12, 1886.

WITH reference to your Lordship's despatch of the 26th ultimo, I have the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, acknowledging the receipt of the copy of a despatch from the Officer administering the Government of Canada, expressing the regret of the Dominion Government at the action of their authorities in the case of the American vessel "Marion Grimes."

I have, &c.
(Signed) L. S. SACKVILLE WEST.

* Not printed.

Inclosure in No. 19.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, December 11, 1886.

I HAVE the honour to acknowledge your note of the 7th instant, with which you communicate, by the direction of the Earl of Iddesleigh, a copy of the Report of a Committee of the Privy Council of Canada, approved the 26th October last, wherein the regret of the Canadian Government is expressed for the action of Captain Quigley, of the Canadian Government cruizer "Terror," in lowering the flag of the United States' fishing-schooner "Marion Grimes," whilst under detention by the Customs authorities in the harbour of Shelburne, Nova Scotia, on the 11th October last.

Before receiving this communication, I had instructed the United States' Minister at London to make representation of this regrettable occurrence to Her Majesty's Minister for Foreign Affairs; and desire now to express my satisfaction at this voluntary action of the Canadian authorities, which, it seems, was taken in October last, but of which I had no intimation until your note of the 7th instant was received.

I have, &c.
(Signed) T. F. BAYARD.

No. 20.

Mr. Bramston to Sir J. Pauncefote.—(Received December 24.)

Sir,

Downing Street, December 24, 1886.

WITH reference to previous correspondence respecting the North American Fisheries question, I am directed by Mr. Secretary Stanhope to transmit to you, for the information of the Earl of Iddesleigh, a copy of a despatch from the Governor-General of Canada, reporting the condemnation of the United States' fishing-vessel "Highland Light" by the Vice-Admiralty Court at Charlottetown, Prince Edward Island.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 20.

The Marquis of Lansdowne to Mr. Stanhope.

Sir,

Government House, Ottawa, December 7, 1886.

I HAVE the honour to forward, for your information, a copy of a letter from the Department of Fisheries, stating that the United States' fishing-vessel "Highland Light," seized on the 1st September last for fishing within the 3-mile limit, was condemned and ordered to be sold on the 12th instant by the Vice-Admiralty Court at Charlottetown, Prince Edward Island.

It is understood that no defence was entered to the suit.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 20.

Mr. J. Tilton to the Governor-General's Secretary.

Sir,

Ottawa, December 7, 1886.

I HAVE the honour to state, for the information of his Excellency the Governor-General, that this Department was advised by telegraph, under date the 1st instant, from Mr. E. J. Hodgson, Q.C., the Counsel for the Government in the case of the Queen v. the schooner "Highland Light," seized on the 1st September last for fishing within the 3-mile limit, that the Vice-Admiralty Court at Charlottetown, Prince Edward Island, had condemned the vessel referred to and ordered her to be sold on the 12th instant.

The Department understands that no defence was entered to the suit.

I have, &c.
(Signed) JOHN TILTON,
Deputy Minister of Fisheries.

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No. 21.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, December 24, 1886.

WITH reference to previous correspondence, I transmit to you, for communication to the United States' Government, Reports from the Government of Canada relative to the cases of the United States' fishing-vessels "Pearl Nelson" and "Everett Steele."*

I am, &c.

(Signed) IDDESLEIGH.

No. 22.

Mr. Meade to Sir J. Pauncefote.—(Received December 29.)

Sir,

Downing Street, December 27, 1886.

WITH reference to your letter of the 23rd instant, and to previous correspondence respecting the case of the "David J. Adams," I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Iddesleigh, a copy of a telegram which has been sent to the Governor-General of Canada on the subject.

I am, &c.

(Signed) R. H. MEADE.

Inclosure in No. 22.

Mr. Stanhope to the Marquis of Lansdowne.

(Telegraphic.)

Colonial Office, December 24, 1886.

UNITED STATES' Government request solicitors of "David J. Adams" may be given, for purposes of trial, copies of Reports by Scott or Customs officers in connection with seizure. Her Majesty's Government propose to answer to following effect: Solicitors appear to be not entitled to documents desired, otherwise they would obtain all necessary papers by means of legal procedure. Under the circumstances, it does not lie with Her Majesty's Government to interfere with course of justice. Do you concur or does your Government consider it desirable to offer observations before Her Majesty's Government answer?

No. 23.

Mr. Meade to Sir J. Pauncefote.—(Received December 29.)

Sir,

Downing Street, December 27, 1886.

WITH reference to your letter of the 15th instant, relating to the case of the United States' fishing-vessel "Mollie Adams," I am directed by Mr. Secretary Stanhope to transmit to you a copy of a despatch which was addressed to the Governor-General of Canada upon the subject upon the following day.

I am also to inclose a copy of a further despatch which Mr. Stanhope has addressed to the Governor-General, having reference to the general question of the treatment of United States' fishing-vessels in Canadian ports.

I am, &c.

(Signed) R. H. MEADE.

Inclosure 1 in No. 23.

Mr. Stanhope to the Marquis of Lansdowne.

My Lord,

Downing Street, December 16, 1886.

WITH reference to my despatch of the 6th October, I have the honour to transmit to you a copy of a letter, with its inclosures, from the Foreign Office, relative to the case of the United States' fishing-vessel "Mollie Adams."

* Inclosures in No. 13.

I request that you will obtain from your Government, and forward to me as soon as possible, a Report on the circumstances of the case.

I have, &c.
(Signed) E. STANHOPE.

Inclosure 2 in No. 23.

Mr. Stanhope to the Marquis of Lansdowne.

My Lord,

Downing Street, December 27, 1886.

WITH reference to my despatch of the 16th instant, relating to the case of the United States' fishing-vessel "Mollie Adams," and referring to the general complaints made on the part of the United States' Government of the treatment of American fishing-vessels in Canadian ports, I think it right to observe that, whilst Her Majesty's Government do not assume the correctness of any allegations without first having obtained the explanations of the Dominion Government, they rely confidently upon your Ministers taking every care that Her Majesty's Government are not placed in a position of being obliged to defend any acts of questionable justice or propriety.

I have, &c.
(Signed) E. STANHOPE.

No. 24.

Mr. Meade to Sir J. Pouncefote.—(Received December 29.)

Sir,

Downing Street, December 28, 1886.

WITH reference to your letter of the 6th October, respecting the case of the United States' fishing-vessel "Crittenden," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Idlesleigh, a copy of a despatch, with its inclosures, from the Governor-General of Canada on the subject.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 24.

The Marquis of Lansdowne to Mr. Stanhope.

Sir,

Government House, Ottawa, December 4, 1886.

IN reply to your despatch of the 12th October last, transmitting a copy of a letter, with its inclosures, from the Foreign Office, requesting to be furnished with a Report in the case of the United States' fishing-vessel "Crittenden," I have the honour to forward herewith a copy of an approved Minute of the Privy Council of Canada, embodying a Report of my Minister of Marine and Fisheries, to which is appended a statement of the Customs officer at Steep Creek on the subject.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 24.

Report of a Committee of the Honourable the Privy Council approved by His Excellency the Governor-General in Council on the 16th November, 1886.

THE Committee of the Privy Council have had under consideration a despatch, dated the 12th October, 1886, from the Secretary of State for the Colonies, transmitting a copy of a letter from Mr. Bayard, United States' Secretary of State, to the British Minister at Washington, calling attention to an alleged denial of the rights guaranteed by the Convention of 1818, in the case of the American fishing-schooner "A. R. Crittenden," by the Customs officer at Steep Creek, in the Straits of Canso, Nova Scotia.

The Minister of Marine and Fisheries, to whom the despatch and inclosure were referred, submits a statement of the Customs officer at Steep Creek, and observes that the captain of the "Crittenden" violated the Customs Laws by neglecting to enter his vessel as requested by the Customs officer, and in landing and shipping a man, clearly exceeded any Treaty provision he was entitled to avail himself of.

It would appear that the remark made by the Customs officer, that "he would seize the vessel," had reference solely to the captain's violation of the Customs Regulations, and, the Minister submits, cannot be construed into a denial of any Treaty privilege the master was entitled to enjoy.

The Committee, concurring in the above, respectfully recommend that your Excellency be moved to inform the Right Honourable the Secretary of State for the Colonies in the sense of the Report of the Minister of Marine and Fisheries.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk, Privy Council.

Inclosure 3 in No. 24.

Mr. J. H. Carr to the Deputy Minister of Fisheries, Ottawa.

Sir,

Steep Creek, November 1, 1886.

YOURS of the 28th October came to hand to-day, and, in reply, can state to you that part of the crew of the schooner "Crittenden" came on shore at Steep Creek, and landed their barrels and filled them with water. I went direct to the men who were filling the barrels, and told them to come and enter before taking wood and water; they said they would not enter or make any report. I told them that I would seize the schooner "Crittenden" for violating the Customs Laws; they said they would risk that, as the schooner was now out of the way, about 3 miles from my station, down the strait, and it was impossible for me to board the vessel. They also landed a man the same day, with his effects, and on their return from Gloucester to the Bay St. Lawrence they shipped a man. Was looking out for the vessel, but could not catch her. I reported the case to the Collector of Customs at Port Hawkesbury, and on the schooner "Crittenden's" return from the Bay St. Lawrence she was seized, and Collector Bourinot got the affidavits of the captain of the said schooner and also of some of the crew, which he stated to the Department. I was in the office at the time when Collector Bourinot received a telegram from the Department to release the schooner "Crittenden" on the deposit of 400 dollars.

I am, &c.

(Signed) JAMES H. CARR, pro Collector.

No. 25.

Sir L. West to the Earl of Iddesleigh.—(Received December 30.)

My Lord,

Washington, December 18, 1886.

I HAVE the honour to inform your Lordship that a Bill has been introduced into the House of Representatives, and referred to the Committee on Foreign Affairs, which provides that "the President be and is hereby authorized to appoint a Commission to proceed to such places in the United States or elsewhere as may be designated by the Secretary of State, to take testimony, under oath or affirmation in relation to the losses and injuries inflicted since the 31st December, 1885, by British authorities, Imperial or Colonial, upon citizens of the United States engaged in the fisheries on the north-east coasts of British North America; said Commission to have the same powers as a Commissioner of a Circuit Court."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 26.

Mr. Bramston to Sir J. Pauncefote.—(Received December 30.)

Sir,

Downing Street, December 29, 1886.

WITH reference to the letter from this Department of the 27th instant, relating to the case of the United States' fishing-vessel "David J. Adams," I am directed by

Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a telegram from the Governor-General of Canada, from which it appears that his Ministers concur in the answer proposed to be sent to the United States' Minister in reply to his note of the 2nd December.

Mr. Stanhope would be glad to receive a copy of the communication upon the subject which Lord Iddesleigh may now send to Mr. Phelps.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 26.

The Marquis of Lansdowne to Mr. Stanhope.

(Telegraphic.) December 27, 1836.
REFERRING to your telegram of the 24th December, my Government concur in answer suggested.

No. 27.

Mr. Meade to Sir J. Pauncefote.—(Received December 31.)

(Extract.) Downing Street, December 30, 1886.
I AM directed by Mr. Secretary Stanhope to transmit to you, for the information of the Earl of Iddesleigh, a copy of a despatch from the Governor-General of Canada, inclosing a letter addressed by Her Majesty's Minister at Washington to the Officer administering the Government of the Dominion, requesting to be furnished with information in connection with Canadian Laws regulating the sale and exportation of fresh herring from Grand Manan Island, together with Lord Lansdowne's reply.

Inclosure 1 in No. 27.

The Marquis of Lansdowne to Mr. Stanhope.

Sir, Government House, Ottawa, December 7, 1886.
I HAVE the honour to forward herewith, for your information, a copy of a despatch from Her Majesty's Minister at Washington, transmitting a copy of a letter from the Secretary of State of the United States, with its inclosures, asking to be furnished with authentic information respecting Canadian Laws regulating the sale and exportation of fresh herring from Grand Manan Island, together with a copy of my reply thereto.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 27.

Sir L. West to General Lord A. Russell.

My Lord, Washington, October 28, 1886.
I HAVE the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, together with copy of inclosure, asking for authentic information respecting the Canadian Laws regulating the sale and exportation of fresh herring from Grand Manan Island.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 3 in No. 27.

The Marquis of Lansdowne to Sir L. West.

Sir, Ottawa, December 3, 1886.
WITH reference to your telegram of the 17th ultimo calling attention to your despatch of the 28th October last, transmitting a copy of a letter from the Secretary of

State of the United States, with its inclosures, requesting to be furnished with authentic information respecting the Canadian Laws regulating the sale and exportation of fresh herring from Grand Manan Island, I have the honour to forward herewith, for communication to Mr. Bayard, a copy of an approved Report of a Committee of the Privy Council, to which is appended a copy of the Customs Laws of Canada containing the desired information.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 4 in No. 27.

Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council on the 24th November, 1886.

THE Committee of the Privy Council having had their attention called by a telegram, dated the 18th November instant, from Her Majesty's Minister at Washington, to his former despatch of the 28th October ultimo, inclosing a copy of a note from the Honourable Mr. Bayard, and inclosures, asking for authentic information respecting the Canadian Laws regulating the sale and exportation of fresh herring from Grand Manan Island.

The Minister of Marine and Fisheries, to whom said despatch was referred for early report, states that any foreign vessel, "not manned nor equipped nor in any way prepared for taking fish," has full liberty of commercial intercourse in Canadian ports upon the same conditions as are applicable to regularly registered foreign merchant-vessels; nor is any restriction imposed upon any foreign vessel dealing in fish of any kind different from those imposed upon foreign merchant-vessels dealing in other commercial commodities.

That the Regulations under which foreign vessels may trade at Canadian ports are contained in the Customs Law of Canada (a copy of which is herewith), and which render it necessary, among other things, that upon arrival at any Canadian port a vessel must at once enter inward at the custom-house, and upon the completion of her loading clear outwards for her port of destination.

The Committee recommend that your Excellency be moved to transmit a copy of this Minute, together with a copy of the Customs Laws, as containing authentic information respecting Canadian Laws regulating the sale and exportation of fresh herring to Her Majesty's Minister at Washington, for the information of the Honourable Mr. Bayard, Secretary of State for the United States.

(Signed) JOHN J. McGEE, Clerk,
Privy Council, Canada.

No. 28.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, January 6, 1887.

WITH reference to your despatch of the 24th September last, I transmit to you herewith, for communication to the United States' Government, copy of a despatch from the Governor-General of Canada, inclosing a Report from his Government on the case of the United States' fishing-vessel "Crittenden."*

I am, &c.
(Signed) IDDESLEIGH.

No. 29.

Sir L. West to the Earl of Iddesleigh.—(Received January 7, 1887.)

My Lord,

Washington, December 24, 1886.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 8th instant, and to inform your Lordship that I have duly advised Mr. Bayard that Her

* See Inclosures in No. 24.

Majesty's Government have called upon the Canadian Government for a Report on the alleged inhospitable treatment by the Canadian authorities of the American fishing-schooners "Laura Sayward" and "Jennie Seaverns."

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 30.

Sir R. Herbert to Sir J. Pauncefote.—(Received January 10.)

Sir,

Downing Street, January 8, 1887.

WITH reference to the letter from this Department of the 23rd November last, respecting the alleged proceedings of the Canadian authorities in the case of the United States' fishing-vessels "Pearl Nelson" and "Everitt Steele," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch which was addressed to the Governor-General of Canada on the 22nd November, together with a copy of the reply which has now been received from Lord Lansdowne.

I am to state that copies of the Governor-General's previous despatches of the 29th November, referred to in the one now sent, were communicated to the Foreign Office in the letter from this Department of the 16th ultimo.*

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 30.

Mr. Stanhope to the Marquis of Lansdowne.

My Lord,

Downing Street, November 22, 1886.

WITH reference to my telegram of the 6th instant, I have the honour to transmit to you, for communication to your Government, copies of two letters from the Foreign Office, with their inclosures, respecting the alleged proceedings of the Canadian authorities in the case of the United States' fishing-vessels "Pearl Nelson" and "Everitt Steele."

I shall no doubt be favoured shortly with the Report on the subject requested in my telegram.

I have, &c.
(Signed) EDWARD STANHOPE.

Inclosure 2 in No. 30.

The Marquis of Lansdowne to Mr. Stanhope.

Sir,

Government House, Ottawa, December 20, 1886.

I HAD the honour of receiving your despatch of the 22nd November in regard to the case of the "Everitt Steele" and "Pearl Nelson," recently detained at Shelburne and Arichat, Nova Scotia, for non-compliance with the Customs Regulations of the Dominion.

2. The circumstances under which the conduct of these vessels attracted the attention of the Customs authorities were set out in the Privy Council Orders of the 18th November, certified copies of which were forwarded to you under cover of my despatches of the 29th November.

3. The information contained in these documents was obtained in order to comply with the request for a Report on these two cases which you had addressed to me by telegram on a previous date. I have now carefully examined the fuller statements made by Mr. Bayard, both as to the facts and as to the considerations by which the conduct of the local officials should, in his opinion, have been governed. You will, I think, find, on reference to the Privy Council Orders already before you, that the arguments advanced by Mr. Bayard have been sufficiently met by the observations of my Minister of Marine and Fisheries, whose Reports are embodied in those Orders.

4. It is not disputed that the "Everitt Steele" was in Shelburne Harbour on the 25th March, and sailed thence without reporting. In consequence of this omission on the master's part his vessel was, on her return to Shelburne in September, detained by

* See No. 13.

the Collector. The master having explained that his presence in the harbour had been occasioned by stress of weather, and that his failing to report was inadvertent, and this explanation having been telegraphed to the Minister at Ottawa, the vessel was at once allowed to proceed to sea; her release took place at noon on the day following that of her detention.

5. In the case of the "Pearl Nelson" it is not denied that nine of her crew were landed in Arichat Harbour at a late hour on the evening of her arrival, and before the master had reported to the Custom-house. It is obvious that if men were to be allowed to go on shore under such circumstances, without notification to the authorities, great facilities would be offered for landing contraband goods, and there can be no question that the master, by permitting his men to land, was guilty of a violation of sections 25 and 180 of the Customs Act. There seems to be reason to doubt his statement that he was driven into Arichat by stress of weather; but, be this as it may, the fact of his having entered the harbour for a lawful purpose would not carry with it a right to evade the Law to which all vessels frequenting Canadian ports are amenable. In this case, as in that of the "Everitt Steele," already referred to, the statement of the master that his offence was due to inadvertence was accepted, and the fine imposed at once remitted.

6. I observe that, in his despatch relating to the first of these cases, Mr. Bayard insists with much earnestness upon the fact that certain "prerogatives" of access to the territorial waters of the Dominion were specially reserved under the Convention of 1818 to the fishermen of the United States, and that a vessel entering a Canadian harbour for any purpose coming within the terms of Article I of that Convention has as much right to be in that harbour as she would have to be upon the high seas; and he proceeds to institute a comparison between the detention of the "Everitt Steele" and the wrongful seizure of a vessel on the high seas upon the suspicion of being engaged in the Slave Trade. Mr. Bayard further calls attention to the special consideration to which, from the circumstances of their profession, the fishermen of the United States are, in his opinion, entitled, and he dwells upon the extent of the injury which would result to them if they were barred from the exercise of any of the rights assured to them by Treaty or Convention.

7. I observe also that in Sir Julian Pauncefote's letter inclosed in your despatch it is stated that the Secretary of State for Foreign Affairs wishes to urge upon the Dominion Government the great importance of issuing stringent instructions to its officials not to interfere with any of the privileges expressly reserved to United States' fishermen under Article I of the Convention of 1818.

8. I trust that the explanations which I have already been able to give in regard to the cases of these vessels will have satisfied you that the facts disclosed do not show any necessity for the issuing of instructions other than those already circulated to the local officials intrusted with the execution of the Customs and Fishery Law.

9. There is certainly no desire on the part of my Government (nor, I believe, does the conduct of the local officials justify the assumption that such a desire exists) to curtail in any respect the privileges enjoyed by United States' fishermen in Canadian waters. It cannot, on the other hand, be contended that because these privileges exist and are admitted by the Government of the Dominion, those who enjoy them are to be allowed immunity from the Regulations to which all vessels resorting to Canadian waters are, without exception, subjected under the Customs Act of 1883 and the different Statutes regulating the fisheries of the Dominion.

10. In both of the cases under consideration there was a clear and undoubted violation of the law, and the local officials would have been culpable if they had omitted to notice it. That there was no animus on their part or on that of the Canadian Government is, I think, clearly proved by the promptitude with which the circumstances were investigated, and the readiness shown to overlook the offence and to remit the penalty incurred as soon as proof was forthcoming that the offence had been unintentionally committed. In support of this view I would draw your attention to the letter (see inclosure to my despatch of the 29th November) of Mr. Phelan, the Consul-General for the United States at Halifax, who has expressed his own satisfaction at the action of the authorities in the case of the "Pearl Nelson," and who also refers to a communication received by him from the Department of State, in which it is stated that the conduct of the Assistant Commissioner of Customs in dealing with two other cases of a somewhat similar complexion "shows a proper spirit."

I have, &c.
(Signed) LANSDOWNE.

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No. 31.

*The Earl of Iddesleigh to Mr. Phelps.**

Sir,

Foreign Office, January 11, 1887.

HER Majesty's Government have considered the request contained in your note of the 2nd ultimo, to the effect that the owners of the "David J. Adams" may be furnished with copies of the original Reports, stating the charges on which that vessel was seized by the Canadian authorities; and I have now the honour to state to you that if the owners of this vessel are legally entitled to be furnished with those Reports, they can obtain them by the process of the Courts; and there seems no ground for the interference of Her Majesty's Government with the ordinary course of justice.

As regards the means of obtaining information for the purposes of the defence, I would point out that in the Report of the Canadian Minister of Marine and Fishery, of which a copy was communicated to you on the 23rd July last, it is stated that, from a date immediately after the seizure, "there was not the slightest difficulty in the United States' Consul-General and those interested in the vessel obtaining the fullest information;" and that, "apart from the general knowledge of the offences which it was claimed the master had committed, and which was furnished at the time of the seizure, the most technical and precise details were readily obtainable at the Registry of the Court, and from the Solicitors for the Crown."

With respect to the statement in your note, that a clause in the Canadian Act of the 22nd May, 1868, to the effect that, "In case a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person seizing was or was not authorized to seize under this Act, the burden of proving the illegality of the seizure shall be on the owner as claimant," is in violation of the principles of natural justice, as well as of those of the common law, I have to observe that the Statute referred to is cap. 61 of 1868, which provides for the issue of licences to foreign fishing-vessels, and for the forfeiture of such vessels fishing without a licence; and that the provisions of Article 10, to which you take exception, are commonly found in laws against smuggling, and are based on the rule of law that a man who pleads that he holds a licence or other similar document shall be put to the proof of his plea, and required to produce the document.

I beg leave to add that the provisions of that Statute, so far as they relate to the issue of licences, have been inoperative since the year 1870.

I have, &c.

(Signed) IDDESLEIGH.

No. 32.

The Earl of Iddesleigh to Sir L. West.

Sir,

Foreign Office, January 11, 1887.

WITH reference to my despatch of the 24th ultimo, I transmit to you herewith, for communication to the United States' Government, a copy of a despatch from the Governor-General of Canada relative to the cases of the American fishing-vessels "Pearl Nelson" and "Everitt Steele."†

I am, &c.

(Signed) IDDESLEIGH.

No. 33.

Sir J. Pouncefote to Sir L. West.

Sir,

Foreign Office, January 13, 1887.

WITH reference to previous correspondence, I transmit to you herewith, for communication to the United States' Government, a copy of a Report by the Minister of Justice of the Dominion of Canada upon the seizure of the American fishing-vessel "David J. Adams."‡

I am, &c.

(For the Secretary of State),
(Signed) JULIAN PAUNCEFOTE.

* Copy to Colonial Office, January 11, 1887.

† Inclosure 2 in No. 30.
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‡ "United States No. 1 (1887)," p. 170.

No. 34.

Sir J. Pauncefote to Mr. Phelps.

Sir,

Foreign Office, January 14, 1887.

WITH reference to my predecessor's note of the 30th November last, I have the honour to transmit to you a copy of a Report from the Canadian Minister of Justice upon the seizure of the American fishing-vessel "David J. Adams."*

I have forwarded a copy of this Report to Her Majesty's Minister at Washington, for communication to the United States' Government.

I have, &c.

(For the Secretary of State),

(Signed) JULIAN PAUNCEFOTE.

No. 35.

Sir L. West to the Earl of Iddesleigh.—(Received January 18.)

My Lord,

Washington, January 6, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 24th ultimo, and to inform your Lordship that I have communicated the Reports therein inclosed from the Government of Canada, relative to the cases of the American fishing-vessels "Pearl Nelson" and "Everett Steele," to the United States' Government.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 36.

Mr. Meade to Sir Pauncefote.—(Received January 18.)

Sir,

Downing Street, January 18, 1887.

WITH reference to previous correspondence respecting the United States' proposals for an *ad interim* arrangement on the Fisheries question, I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, the decypher of a telegram and a copy of a despatch from the Governor-General of Canada on the subject.

I am, &c.

(Signed) R. H. MEADE.

Inclosure 1 in No. 36.

The Marquis of Lansdowne to Mr. Stanhope.

(Telegraphic.)

(Received January 7, 1887.)

CAN state positively that Canadian Government will resist Bayard proposal in present shape. Position laid down in Clarendon-Bruce despatch 11th May, 1866, will, however, be accepted by them in substance.

Inclosure 2 in No. 36.

The Marquis of Lansdowne to Mr. Stanhope.

Sir,

Government House, Ottawa, December 28, 1886.

I HAVE the honour to inform you that I have received from Sir Lionel West a despatch dated the 22nd instant, inclosing copies of a letter from Mr. Bayard to Mr. Phelps dated the 15th November, 1886,† and of a Memorandum in which is contained the draft of a proposal by Mr. Bayard "for the settlement of all questions in dispute in relation to the fisheries on the north-eastern coasts of British North America." These papers, of which printed copies were sent to me, have no doubt been transmitted to you through the Foreign Office.

2. I have referred Mr. Bayard's letter and the Memorandum to my Advisers, and I shall, as soon as possible, lay before you the formal expression of their opinion upon the subject. As, however, many Members of my Government are absent from their Offices

* "United States No. 1 (1887)," p. 170.

† Inclosures in No. 2.

at this season of the year, and as some time must necessarily elapse before Mr. Bayard's proposal can be reviewed at length, it is as well that I should, without further loss of time, make you aware of some of the objections to which it is open, and which will, I have no doubt whatever, be made to it.

3. I would, before going further, observe that I have read with satisfaction Mr. Bayard's expression of his hope that advantage will be taken of the period of "comparative serenity" which is likely to prevail during the next few months, in order to arrive at an understanding which might put an end to any doubts which now exist with regard to the rights and privileges of United States' fishermen in Canadian waters.

4. I should, however, be slow to admit that the proceedings taken by the Canadian authorities during the past fishing season deserved to be characterized in the terms applied to them by Mr. Bayard. The Reports which I have from time to time had the honour of sending to you have shown that the acts of interference which Mr. Bayard describes as involving the unjust and unfriendly treatment of citizens of the United States were rendered necessary in consequence of the violation by them of the laws to which all vessels resorting to Canadian waters are, without exception, amenable.

5. My Government does not yield to that of the United States in its desire to reduce within the narrowest limits the occasions for interference with the fishermen of the latter Power, and should it prove to be the case that there is no prospect of the establishment of closer and mutually advantageous relations between the two countries, either in respect of the fish trade and fishing or of commercial intercourse generally, it will certainly be desirable that steps should be taken to determine beyond dispute the precise limits which divide the waters in which Canadian fishermen have the exclusive right of fishing from those in which that right is common to fishermen of all nations. A proposal for the appointment of a Mixed Commission to which this duty should, subject to the concurrence of the Governments of the Powers interested, be intrusted, was, as Mr. Bayard points out, made in the year 1866 by the American Government, and formed the subject of negotiations which were eventually superseded by those which led to the Treaty of 1871, and to the appointment of the Halifax Commission, which, however, did not deal with the question of the limits of the territorial waters of Canada. If Mr. Bayard had simply reverted to the Adams-Clarendon Memorandum of 1866, omitting the concluding paragraph, to which objection was taken at the time by Lord Clarendon, and which, as Mr. Bayard, at p. 2 of his letter, points out, is not contained in the Memorandum which he now submits, I should have regarded more hopefully than I do at this moment the prospect of an understanding being arrived at before another fishing season commences.

6. The 1st Article, however, of the draft proposal now submitted by Mr. Bayard, while in other respects following closely the Adams-Clarendon Memorandum, differs from that Memorandum, not only in the omission of the final paragraph of the latter, but also in that it adds (see Mr. Bayard's draft Article 1, Subsection 1) the important stipulation, that the bays and harbours from which American fishermen are in the future to be excluded, save for the purposes for which entrance into the bays and harbours is permitted by said Article, are hereby agreed to be taken to be such bays and harbours only as are 10, or less than 10, miles in width.

7. This reservation would involve the surrender of the exclusive right of fishing in bays which have hitherto been regarded as beyond all question within the territorial waters of Canada, such, for instance, as the right of fishing in the inner waters of the Bay des Chaleurs at points 40 or 50 miles from its mouth, which, roughly speaking, may be said to be less than 20 miles wide at its opening.

8. I observe that Mr. Bayard in that part of his letter which refers to this suggestion, has cited Conventions entered into by France and Great Britain in 1839, and subsequently by other European Powers, in support of his contention that there should be no exclusive right of fishing in bays measuring more than 10 miles at their opening. It is, I think, obvious that local arrangements of this kind must be made with reference to the geographical peculiarities of the coasts which they affect, and to the local conditions under which the fishing industry is pursued in different parts of the world, and that it does not by any means follow that because the 10-mile limit is applicable upon portions of the coast of the Continent of Europe, it is therefore applicable under the peculiar circumstances, geographical and political, which are present in the case of the North American Continent. A reference to the action of the United States' Government, and to the admissions made by their statesmen in regard to bays on the American coasts, will, I think, strengthen this view of the case. The award in regard to the Bay of Fundy, upon which Mr. Bayard also relies in this part of his argument, was, I believe,

justified mainly upon the ground that one of the headlands which formed this bay was in the territory of the United States, and that it could not therefore be regarded as a Canadian Bay.

9. The *ad interim* arrangement embodied in Article 2 of the Memorandum prejudices in favour of the United States one of the most important of the points which have been in dispute, by deciding adversely to Canada the construction which is to be placed upon Imperial and Canadian Statutes, the proper interpretation of which is at this moment the subject of litigation before the Canadian Courts. It is to be observed that this Article might, in the event of the failure of the two Governments to arrive at a definitive arrangement, a contingency which, considering the relations of the United States' Senate and the President, cannot be dismissed from our contemplation, remain in operation for an indefinite time, greatly to the disadvantage of the people of this country.

10. The procedure suggested in Article 3 for the investigation on the spot of all cases of trespass by the United States' fishing-vessels appears to be open to criticism, as capable of being used for the purpose of frustrating the ends of justice. I would submit that no case has yet been made out for depriving of their jurisdiction, particularly in those cases where the offence must *ex hypothesi* have been committed within the territorial waters of the Dominion, the properly constituted and trustworthy Tribunals of this country, and substituting for them an irregularly composed Court of First Instance, such as that which would come into existence if this Article were to be adopted.

11. Article 4 prejudices in favour of the United States the important question which has arisen as to the commercial privileges to which United States' fishing-vessels are entitled while in Canadian waters. My Government will, I have no doubt, insist upon the necessity of maintaining the distinction made by the Convention of 1818 between fishing-vessels endeavouring to use Canadian bays and harbours as a basis of operations from which to prosecute their industry in competition with Canadian fishermen, and trading vessels resorting to such bays and harbours in the ordinary course of business.

12. The history of the negotiations which preceded the Convention of 1818 makes it perfectly clear that the purchase of bait was not one of the purposes for which it was intended that United States' fishing-vessels should have a right of entering Canadian waters. It is, I observe, proposed by Mr. Bayard in the Article under consideration, that this point also should be decided in anticipation against the Dominion without further discussion.

13. Under Article 5 it is assumed that the seizures and detentions which have taken place during the past season in consequence of non-compliance by United States' fishermen with the Customs laws of Canada have in all cases involved the violation of the Treaty of 1818 by the Canadian authorities, and we are accordingly invited, before submitting our case to examination by the proposed Mixed Commission, to release all United States' fishing-vessels now under seizure for a breach of our Customs laws, and to refund all fines exacted for such illegality. We are, in other words, before going into Court, to plead guilty to all the counts contained in this part of the indictment against us.

14. Indeed, if Mr. Bayard's proposal be considered as a whole, it amounts to this: that the Government of the Dominion is to submit its conduct in the past, and its rights in the future, to the arbitrament of a Commission, without any assurance whatever that the recommendations of that Commission are likely to be accepted by Congress, and that before the inquiry commences it is to place upon record the admission that it has been in the wrong upon all the most important points in the controversy. Such an admission would involve the public renunciation of substantial and valuable rights and privileges for all time, without any sort of equivalent as compensation. Mr. Bayard can, I venture to think, scarcely expect that my Government should agree to so one-sided a proposal, or should make, without any return, concessions so damaging to the interests of this country or so injurious to its self-respect.

15. I trust that Her Majesty's Government will, to the utmost of its ability, discourage that of the United States from pressing these proposals in their present shape, and will avoid any action which might induce the belief that the offer embodied in them is one which deserves a favourable reception at the hands of the Government of the Dominion.

I have, &c.
(Signed) LANSDOWNE.

No. 37.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, January 22, 1887.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 18th instant, inclosing copies of a despatch and a telegram from the Marquis of Lansdowne on the subject of the *ad interim* arrangement proposed by the United States' Government for the settlement of the North American Fisheries question.

In reply, I am to state that Lord Salisbury would be glad to receive as soon as possible the full Report upon this proposal which Lord Lansdowne promises to send after consultation with his advisers; but that, in the meanwhile, his Lordship presumes Sir Henry Holland will not think it desirable that any communication upon the subject should be made to the United States' Government.

I am to suggest that, as the next fishing season will commence in about three months from the present date, it may be desirable to telegraph to Canada, urging the importance of receiving the Report of the Dominion Government with the least possible delay.

I am, &c.

(Signed)

JULIAN PAUNCEFOTE.

No. 38.

Mr. Phelps to the Marquis of Salisbury.—(Received January 29.)

My Lord,

Legation of the United States, London, January 26, 1887.

VARIOUS circumstances have rendered inconvenient an earlier reply to Lord Iddesleigh's note of the 30th November, on the subject of the North American fisheries. And the termination of the fishing season has postponed the more immediate necessity of the discussion. But it seems now very important that before the commencement of another season a distinct understanding should be reached between the United States' Government and that of Her Majesty, relative to the course to be pursued by the Canadian authorities toward American vessels.

It is not without surprise that I have read Lord Iddesleigh's remark in the note above mentioned, referring to the Treaty of 1818, that Her Majesty's Government "have not as yet been informed in what respect the construction placed upon that instrument by the Government of the United States differs from their own." Had his Lordship perused more attentively my note to his predecessor in office, Lord Rosebery, under date of the 2nd June, 1886, to which reference was made in my note to Lord Iddesleigh of the 11th September, 1886, I think he could not have failed to apprehend distinctly the construction of that Treaty for which the United States' Government contends, and the reasons and arguments upon which it is founded. I have again respectfully to refer your Lordship to my note to Lord Rosebery of the 2nd June, 1886, for a very full, and I hope clear, exposition of the ground taken by the United States' Government on that point. It is unnecessary to repeat it, and I am unable to add to it.

In reply to the observations in my note to Lord Iddesleigh of the 11th September, 1886, on the point whether such discussion should be suspended in these cases until the result of the judicial proceedings in respect to them should be made known, a proposition to which, as I stated in that note, the United States' Government is unable to accede, his Lordship cites in support of it some language of Mr. Fish, when Secretary of State of the United States, addressed to the United States' Consul-General at Montreal, in May 1870. From the view then expressed by Mr. Fish the United States' Government has neither disposition nor occasion to dissent. But it cannot regard it as in any way applicable to the present case.

It is true, beyond question, that when a private vessel is seized for an alleged infraction of the laws of the country in which the seizure takes place, and the fact of the infraction or the exact legal construction of the local Statute claimed to be transgressed is in dispute, and is in process of determination by the proper Tribunal, the Government to which the vessel belongs will not usually interfere in advance of such determination, and before acquiring the information on which it depends. And especially when it is not yet informed whether the conduct of the officer making the seizure will not be repudiated by the Government under which he acts, so that interference will be unnecessary. This is all, in effect, that was said by Mr. Fish on that occasion. In language immediately following that quoted by Lord Iddesleigh, he remarks as follows (*italics being mine*):—

"The present embarrassment is, that while we have *reports* of several seizures upon

grounds, *as stated by the interested parties, which seem to be in contravention of international law and special Treaties relating to the fisheries, these alleged causes of seizure are regarded as pretensions of over-zealous officers of the British navy and the colonial vessels, which will, as we hope and are bound in courtesy to expect, be repudiated by the Courts before which our vessels are to be brought for adjudication.*"

But in the present case, the facts constituting the alleged infraction by the vessel seized are not in dispute, except some circumstances of alleged aggravation not material to the validity of the seizure. The original ground of the seizure was the purchase by the master of the vessel of a small quantity of bait, from an inhabitant of Nova Scotia, to be used in lawful fishing. This purchase is not denied by the owners of the vessel. And the United States' Government insists, *first*, that such an act is not in violation of the Treaty of 1818; and, *second*, that no then existing Statute in Great Britain or Canada authorized any proceedings against the vessel for such an act, even if it could be regarded as in violation of the terms of the Treaty. And no such Statute has been as yet produced. In respect to the charge subsequently brought against the "Adams," and upon which many other vessels have been seized, that of a technical violation of the Customs Act in omitting to report at the custom-house, though having no business at the port, (and in some instances where the vessel seized was not within several miles of the landing) the United States' Government claim, while not admitting that the omission to report was even a technical transgression of the Act,—that even if it were, no harm having been done or intended, the proceedings against the vessels for an inadvertence of that kind were in a high degree harsh, unreasonable, and unfriendly. Especially as for many years no such effect has been given to the Act in respect to fishing-vessels, and no previous notice of a change in its construction had been promulgated.

It seems apparent therefore, that the cases in question, as they are to be considered between the two Governments, present no points upon which the decisions of the Courts of Nova Scotia need be awaited or would be material.

Nor is it any longer open to the United States' Government to anticipate that the acts complained of will (as said by Mr. Fish in the despatch above quoted), be repudiated as "the pretensions of over-zealous officers of the . . . colonial vessels." Because they have been so many times repeated as to constitute a regular system of procedure, have been directed and approved by the Canadian Government, and have been in nowise disapproved or restrained by Her Majesty's Government, though repeatedly and earnestly protested against on the part of the United States.

It is therefore to Her Majesty's Government alone that the United States' Government can look for consideration and redress. It cannot consent to become directly or indirectly a party to the proceedings complained of, nor to await their termination before the questions involved between the two Governments shall be dealt with. Those questions appear to the United States' Government to stand upon higher grounds, and to be determined, in large part at least, upon very different considerations from those upon which the Courts of Nova Scotia must proceed in the pending litigation.

Lord Iddesleigh, in the note above referred to, proceeds to express regret that no reply has yet been received from the United States' Government to the arguments on all the points in controversy contained in the Report of the Canadian Minister of Marine and Fisheries, of which Lord Rosebery had sent me a copy.

Inasmuch as Lord Iddesleigh, and his predecessor, Lord Rosebery, have declined, altogether, on the part of Her Majesty's Government, to discuss these questions, until the cases in which they arise shall have been judicially decided, and as the very elaborate arguments on the subject previously submitted by the United States' Government remain therefore without reply, it is not easy to perceive why further discussion of it on the part of the United States should be expected. So soon as Her Majesty's Government consent to enter upon the consideration of the points involved, any suggestions it may advance will receive immediate and respectful attention on the part of the United States. Till then, further argument on that side would seem to be neither consistent nor proper.

Still less can the United States' Government consent to be drawn, at any time, into a discussion of the subject with the Colonial Government of Canada. The Treaty in question, and all the international relations arising out of it, exist only between the Governments of the United States and of Great Britain, and between those Governments only can they be dealt with. If in entering upon that consideration of the subject which the United States have insisted upon, the arguments contained in the Report of the Canadian Minister should be advanced by Her Majesty's Government, I do not conceive that they will be found difficult to answer.

Two suggestions contained in that Report are however specially noticed by Lord Iddesleigh, as being "in reply" to the arguments contained in my note. In quoting the

substance of the contention of the Canadian Minister on the particular points referred to, I do not understand his Lordship to depart from the conclusion of Her Majesty's Government he had previously announced, declining to enter upon the discussion of the cases in which the questions arise. He presents the observations of the Report only as those of the Canadian Minister, made in the argument of points upon which Her Majesty's Government decline at present to enter. I do not therefore feel called upon to make any answer to these suggestions. And more especially, as it seems obvious that the subject cannot usefully be discussed upon one or two suggestions appertaining to it, and considered by themselves alone. While those mentioned by Lord Iddesleigh have undoubtedly their place in the general argument, it will be seen that they leave quite untouched most of the propositions and reasoning set forth in my note to Lord Rosebery above mentioned. It appears to me that the questions cannot be satisfactorily treated aside from the cases in which they arise. And that when discussed, the whole subject must be gone into in its entirety.

The United States' Government is not able to concur in the favourable view taken by Lord Iddesleigh of the efforts of the Canadian Government "to promote a friendly negotiation." That the conduct of that Government has been directed to obtaining a revision of the existing Treaty is not to be doubted. But its efforts have been of such a character as to preclude the prospect of a successful negotiation so long as they continue, and seriously to endanger the friendly relations between the United States and Great Britain.

Aside from the question as to the right of American vessels to purchase bait in Canadian ports, such a construction has been given to the Treaty between the United States and Great Britain as amounts virtually to a declaration of almost complete non-intercourse with American vessels. The usual comity between friendly nations has been refused in their case, and in one instance, at least, the ordinary offices of humanity. The Treaty of Friendship and Amity which, in return for very important concessions by the United States to Great Britain, reserved to the American vessels certain specified privileges, has been construed to exclude them from all other intercourse common to civilized life, and to universal maritime usage among nations not at war, as well as from the right to touch and trade accorded to all other vessels.

And quite aside from any question arising upon construction of the Treaty, the provisions of the Customs-house Acts and Regulations have been systematically enforced against American ships for alleged petty and technical violations of legal requirements, in a manner so unreasonable, unfriendly, and unjust, as to render the privileges accorded by the Treaty practically nugatory.

It is not for a moment contended by the United States' Government that American vessels should be exempt from those reasonable port and Custom-house Regulations which are in force in countries which such vessels have occasion to visit. If they choose to violate such requirements, their Government will not attempt to screen them from the just legal consequences.

But what the United States' Government complain of in these cases, is that existing Regulations have been construed with a technical strictness, and enforced with a severity, in cases of inadvertent and accidental violation where no harm was done, which is both unusual and unnecessary, whereby the voyages of vessels have been broken up, and heavy penalties incurred. That the liberal and reasonable construction of these laws that had prevailed for many years, and to which the fishermen had become accustomed, was changed without any notice given. And that every opportunity of unnecessary interference with American fishing-vessels, to the prejudice and destruction of their business, has been availed of. Whether, in any of these cases, a technical violation of some requirement of law had, upon close and severe construction, taken place, it is not easy to determine. But if such Rules were generally enforced in such a manner in the ports of the world, no vessel could sail in safety without carrying a solicitor, versed in the intricacies of revenue and port regulations.

It is unnecessary to specify the various cases referred to, as the facts in many of them have been already laid before Her Majesty's Government.

Since the receipt of Lord Iddesleigh's note, the United States' Government has learned with grave regret that Her Majesty's assent has been given to the Act of the Parliament of Canada, passed at its late Session, entitled, "An Act further to amend the Act respecting fishing by foreign vessels," which has been the subject of observation in the previous correspondence on the subject, between the Governments of the United States and of Great Britain. By the provisions of this Act, any foreign ship, vessel, or boat (whether engaged in fishing or not) found within any harbour in Canada, or within 3 marine miles of "any of the coasts, bays, or creeks of Canada," may be brought into

port by any of the officers or persons mentioned in the Act, her cargo searched, and her master examined upon oath, touching the cargo and voyage, under a heavy penalty if the questions asked are not truly answered: and if such ship has entered such waters "*for any purpose*" not permitted by Treaty or Convention, or by law of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited."

It has been pointed out in my note to Lord Iddesleigh above mentioned, that the 3-mile limit referred to in this Act is claimed by the Canadian Government to include considerable portions of the high seas, such as the Bay of Fundy, the Bay of Chaleur, and similar waters, by drawing the line from headland to headland. And that American fishermen have been excluded from those waters accordingly.

It has been seen also that the term "any purpose not permitted by Treaty" is held by that Government to comprehend every possible act of human intercourse, except only the four purposes named in the Treaty: shelter, repairs, wood, and water.

Under the provisions of the recent Act therefore, and the Canadian interpretation of the Treaty, any American fishing-vessel that may venture into a Canadian harbour, or may have occasion to pass through the very extensive waters thus comprehended, may be seized at the discretion of any one of numerous subordinate officers, carried into port, subjected to search, and the examination of her master upon oath, her voyage broken up, and the vessel and cargo confiscated, if it shall be determined by the local authorities that she has ever even posted or received a letter, or landed a passenger in any port of Her Majesty's dominions in America.

And it is publicly announced in Canada that a larger fleet of cruisers is being prepared by the authorities, and that greater vigilance will be exerted on their part in the next fishing season than in the last.

It is in the Act to which the one above referred to is an amendment that is found the provision to which I drew attention in a note to Lord Iddesleigh of the 2nd December, 1886, by which it is enacted that in case a dispute arises as to whether any seizure has or has not been legally made, the burden of proving the illegality of the seizure shall be upon the owner or claimant.

In his reply to that note, of the 11th January, 1887, his Lordship intimates that this provision is intended only to impose upon a person claiming a licence the burden of proving it. But a reference to the Act shows that such is by no means the restriction of the enactment. It refers in the broadest and clearest terms to *any* seizure that is made under the provisions of the Act, which covers the whole subject of protection against illegal fishing. And applies not only to the proof of a licence to fish, but to all questions of fact whatever necessary to a determination as to the legality of a seizure, or the authority of the person making it.

It is quite unnecessary to point out what grave embarrassments may arise in the relations between the United States and Great Britain, under such administration as is reasonably to be expected of the extraordinary provisions of this Act and its amendment, upon which it is not important at this time further to comment.

It will be for Her Majesty's Government to determine how far its sanction and support will be given to further proceedings such as the United States' Government have now repeatedly complained of, and have just ground to apprehend may be continued by the Canadian authorities.

It was with the earnest desire of obviating the impending difficulty, and of preventing collisions and dispute until such time as a permanent understanding between the two Governments could be reached, that I suggested on the part of the United States, in my note to Lord Iddesleigh of the 11th September, 1886, that an *ad interim* construction of the terms of the Treaty might be agreed on, to be carried out by instructions to be given on both sides, without prejudice to the ultimate claims of either, and terminable at the pleasure of either. In an interview I had the honour to have with his Lordship, in which this suggestion was discussed, I derived the impression that he regarded it with favour. An outline of such an arrangement was therefore subsequently prepared by the United States' Government, which at the request of Lord Iddesleigh, was submitted to him in my note of the 3rd December, 1886.

But I observe with some surprise, that in his note of the 30th November last, his Lordship refers to that proposal made in my note of the 11th September, as a proposition that Her Majesty's Government "should temporarily abandon the exercise of the Treaty rights which they claim and which they conceive to be indisputable."

In view of the very grave questions that exist as to the extent of those rights, in respect to which the views of the United States' Government differ so widely from those insisted upon by Her Majesty's Government, it does not seem to me an unreasonable proposal, that

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the two Governments by a temporary and mutual concession without prejudice, should endeavour to reach some middle ground of *ad interim* construction by which existing friendly relations might be preserved until some permanent Treaty arrangements could be made.

The reasons why a revision of the Treaty of 1818 cannot now, in the opinion of the United States' Government, be hopefully undertaken, and which are set forth in my note to Lord Iddesleigh of the 11th September, 1886, have increased in force since that note was written.

I again respectfully commend the proposal above mentioned to the consideration of Her Majesty's Government.

I have, &c.
(Signed) E. J. PHELPS.

No. 39.

Sir L. West to the Marquis of Salisbury.—(Received January 31.)

My Lord,

Washington, January 19, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 6th instant, and to inform your Lordship that, in obedience to the instructions therein contained, I have communicated copy of the despatch of the Governor-General, and of the Report which accompanied it, on the case of the United States' fishing-vessel "Crittenden," to the United States' Government.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 40.

Sir L. West to the Marquis of Salisbury.—(Received February 7.)

My Lord,

Washington, January 19, 1887.

I HAVE the honour to inclose to your Lordship copies of a Bill which has been introduced into the House of Representatives for the protection of American fishermen, in consequence of the denial on the part of the Dominion Government of the right to land and transport American fish in bond over Canadian railroads to the United States.

It is said that American capitalists interested in Canadian railroads are strongly opposed to this Bill.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 40.

49th Congress, 2nd Session.—H. R. 10786.

IN THE HOUSE OF REPRESENTATIVES.

January 17, 1887.

Read twice, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. Belmont introduced the following Bill:—

A Bill to protect American Vessels against unwarrantable and unlawful Discriminations in the Ports of British North America.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that hereafter, whenever the President shall be satisfied

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that vessels of the United States are denied in ports of the British provinces in North America bordering on the Atlantic Ocean, or in the waters adjacent to said provinces, rights to which such vessels are entitled by Treaty or by the law of nations, he may, by Proclamation, prohibit vessels bearing the British flag and coming from such ports from entering the ports of the United States, or from exercising such privileges therein as he may in his Proclamation define ; and if, on and after the date at which such Proclamation takes effect, the master or other person in charge of any of such vessels shall do, in the ports, harbours, or waters of the United States, for or on account of such vessel, any act forbidden by such Proclamation aforesaid, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and forfeiture to the United States ; and any person or persons preventing or attempting to prevent, or aiding any other person in preventing or attempting to prevent, any officer of the United States from enforcing this Act, shall forfeit and pay to the United States 1,000 dollars, and shall be guilty of a misdemeanour, and, upon conviction thereof, shall be liable to imprisonment for a term not exceeding two years.

Section 2. That the President may also, by such Proclamation, forbid the entrance into the United States of all merchandize coming by land from the provinces of British North America, and may also forbid the entrance into the United States of the cars, locomotives, or other rolling-stock of any Railway Company chartered under the Laws of said provinces ; and upon proof that the privileges secured by Article 29 of the Treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied as to goods, wares, and merchandize arriving at the ports of British North America, the President may also, by Proclamation, forbid the exercise of the like privileges as to goods, wares, and merchandize arriving in any of the ports of the United States ; and any person violating or attempting to violate the provisions of any Proclamation issued under this section shall forfeit and pay to the United States the sum of 1,000 dollars, and shall be guilty of a misdemeanour, and, upon conviction thereof, shall be liable to imprisonment for a term not exceeding two years.

Sec. 3. That whenever, after the issuance of a Proclamation under this Act, the President is satisfied that the denial of rights and privileges on which his Proclamation was based no longer exists, he may withdraw the Proclamation, or so much thereof as he may deem proper, and reissue the same thereafter when in his judgment the same shall be necessary.

No. 41.

Sir L. West to the Marquis of Salisbury.—(Received February 3.)

My Lord,

Washington, January 19, 1887.

WITH reference to my preceding despatch, I have the honour to inclose to your Lordship herewith copies of a preamble and Resolution offered in the Senate in the same sense as the Bill introduced into the House of Representatives on the Fisheries question.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure in No. 41.

Extract from the "Congressional Record" of January 19, 1887.

FISHING RIGHTS OF THE UNITED STATES.

Mr. Gorman submitted the following Resolution, which was read :—

"Whereas it appears from documents laid before the Senate that the ancient rights of the United States' fishermen, when bound to the north-east deep-sea fisheries, of transit through Canadian waters, with the incidents appertaining thereto, of shelter, repair, and provisioning in the adjacent ports, such rights being founded on international law and on Treaty, have been obstructed by Canadian authorities, such obstruction being attended by indignity and annoyance, and followed by great loss to the parties interested in such fishing vessels ; and

"Whereas such transit, with its incidents of temporary shelter, repair, and pro-

visioning, is part of a system with the transit with similar incidents permitted to Canadian engines, cars, vessels, and goods through the territory and territorial waters of the United States on their way from point to point in Canada, with this distinction, that the transit in the former case is a matter of right, based on international law and Treaty, while in the latter case it is a matter of permission and gratuity :

"Resolved,—That the President of the United States is authorized, whenever it shall appear to him that there is an insistance on the part of the Canadian authorities with the obstructions, indignities, and annoyances above recited, to issue his Proclamation prohibiting the transit through the United States or the territorial waters thereof from point to point in Canada, or from Canada to the ocean, of any engines, cars, goods, or vessels proceeding from Canada."

No. 42.

Sir L. West to the Marquis of Salisbury.—(Received January 31.)

My Lord,

Washington, January 21, 1887.

WITH reference to my despatch of the 18th ultimo, I have the honour to inclose to your Lordship herewith copies of the Bill, and Report thereon, for the appointment of a Commission to investigate losses and injuries inflicted on United States' citizens engaged in the North American fisheries.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 42.

49th Congress, 2nd Session.—H. R. 10241.

[Report No. 3648.]

IN THE HOUSE OF REPRESENTATIVES.

December 17, 1886.

Read twice, referred to the Committee on Foreign Affairs, and ordered to be printed.

January 18, 1887.

Committed to the Committee of the whole House on the state of the Union and ordered to be printed.

Mr. Belmont introduced the following Bill:—

A Bill for the Appointment of a Commission to investigate concerning Losses and Injuries inflicted since December 31, 1885, on United States' Citizens engaged in the North American Fisheries.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President be, and is hereby, authorized to appoint a Commissioner to proceed to such places in the United States or elsewhere as may be designated by the Secretary of State, to take testimony, under oath or affirmation, in relation to the losses and injuries inflicted since the 31st December, 1885, by British authorities, Imperial or Colonial, upon citizens of the United States engaged in the fisheries on the north-east coasts of British North America. Said Commissioner shall everywhere have, in respect of the administration of oaths or affirmations and the taking of testimony, the same powers as a Commissioner of a Circuit Court, and shall be paid the same fees as are prescribed for similar services of a Commissioner of a Circuit Court, together with travelling expenses.

Inclosure 2 in No. 42.

Report.

49th Congress, 2nd Session.—Report No. 3648.

HOUSE OF REPRESENTATIVES.

NORTH AMERICAN FISHERIES.

Committed to the Committee of the whole House on the state of the Union and ordered to be printed.

January 18, 1887.

Mr. Belmont, from the Committee on Foreign Affairs, submitted the following Report:—

[To accompany Bill H. R. 10241.]

THE Committee on Foreign Affairs, to which were referred the President's Message of the 8th December, 1886 (Ex. Doc. No. 19), and the reply of the Secretary of the Treasury, on the 10th January, 1887 (Ex. Doc. No. 78), to the Resolution of the House adopted on the 14th December, 1886, and House Bill 10241, submits the following Report:—

Your Committee has not only given to those communications the very careful consideration which they deserve, but, during the last Session of the House, made diligent inquiry into the whole subject of American fisheries. They were attended in the committee-room by, among others, William Henry Trescot, Esq., and Charles Levi Woodbury, Esq., of Boston. Mr. Woodbury represented all, or a large majority of, New England owners of fishing-vessels, and both of the gentlemen favoured your Committee with valuable opinions on different phases of the important subject under consideration.

Your Committee is of the opinion that the rightful area of our "American fisheries" has been reduced, and the quantity of fish—fresh, dried, cured, or salted—landed in the United States free of duty has been diminished, by the conduct of local officers in Canada. That conduct has been not only in violation of Treaty stipulations and of international comity, but, during the fishing season just passed, has been inhuman, as the Message of the President clearly establishes.

The Treaty of 1783.

The Treaty of Peace defined, in 1783, the area of American fisheries which might in that portion of the world be prosecuted by American vessels. Its IIIrd Article declares:

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right—

1. To take fish of every kind on the Grand Bank and all the other banks of Newfoundland;

2. Also in the Gulf of St. Lawrence;

3. And at all other places, in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also, that the inhabitants of the United States shall have liberty—

(1.) To take fish of every kind on such part of the coast of Newfound and as British fishermen shall use (but not to dry or cure the same on that island);

(2.) And also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America;

(3.) And that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or

either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such Settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

When that Treaty of Peace was signed the British Navigation Act of Charles II and other laws prevented trade in foreign vessels with the Anglo-American Colonies. The corner-stone of that policy was a monopoly of colonial trade for British vessels. The American Colonies were founded in subservience to British commerce. A double monopoly was established by England—a monopoly of their whole import, which is all to be from England; a monopoly of their whole export, which is to be sent nowhere but to Great Britain. The Colonies were to send all their products raw to England, and take everything from England in the last stage of manufacture. The Treaty of Peace did not stipulate for a change of that policy as between the United States and Canada, although the American Congress did, in April 1776, sweep away, so far as it could, that monopoly system from the ports it controlled, abolish British custom-houses and put none in their stead, proclaim absolute free trade in the place of heavy restrictions, invite products from any place to come in friendly vessels, and authorize American products to be exported without tax.

After the thirteen States had acquired their independence, American vessels were not only excluded from the ports of the British colonies, but Canada, as a reward for its loyalty, received the exclusive privilege of supplying the British West Indies with timber and provisions, to the great injury of the latter, whose nearest ports were the American Gulf ports and South American ports.

It will be observed that this Article, in continuing, confirming, and establishing the thirteen States and their inhabitants in the taking of fish on the banks, in the gulf, and in the sea, uses the word "rights," but uses the word "liberty" in confirming to American fishermen the taking of fish on the coasts, bays, and creeks of every part of the British dominions in America. The word "rights" is thus applied to fishing in the open sea, which by public law is common to all nations, and was intended to affirm that Great Britain did not claim to hold by Treaty engagements, or in any other manner, an exclusive right of fishing therein. The word "liberty" is thus applied to taking fish, to drying and curing fish, on what was, anterior to the Treaty, within the jurisdiction, or territorial waters, of Great Britain, but an exclusive right of taking fish therein was not hers. "Liberty," as thus used, implies a freedom from restraint or interference in fishing along the British coasts.

Canada having been, by the aid of men of the New England Colonies, conquered for the English in 1759, the conquest having been confirmed in 1763 by the Treaty of Paris, and the sovereignty of Newfoundland having been conceded to Great Britain by the peace of Utrecht in 1713, the American colonists, who bravely endured sacrifices in war to accomplish those results, shared therein, as British subjects, down to 1783, when, by Treaty, England stipulated that the citizens of the "free, sovereign, and independent States" of America shall continue to share, and share alike, with British subjects in such coast fishing. Lord North having, in 1775, proposed to the House of Commons to exclude the fishermen of New England from the banks of Newfoundland, and to restrain them from a toil in which they excelled the world, the joint right to the fisheries became a vital part of the great American struggle. "God and nature," said Johnston, "have given that fishery to New England, and not to Old." Americans, Britons, and British Canadians became by the Treaty partners in the fisheries. It created a "servitude of public law" in favour of American fishermen. All British "coasts, bays, and creeks" in America were thereby, as Secretary Manning so aptly says, made a part of our "American fisheries," to which our Tariff laws, thereafter enacted, referred and attached, and so made the products thereof exempt from duty on entry at our ports.

The Treaty of Ghent.

Thus stood American rights and liberties of fishing on the high seas, and within the limits of British dominion in North America, down to the war of 1812, and to the Treaty of peace negotiated at Ghent, which closed that war. Till then it was nowhere denied that American fishermen could fish on the high seas and on those coasts wherever British fishermen could fish. But during the negotiations at Ghent, in 1814, the British negotiators declared that their Government "did not intend to grant to the United States gratuitously the privileges formerly granted by Treaty to them of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the British fisheries." In answer to this declaration the American negotiators said they were "not authorized to bring into discussion any of

the rights or liberties which the United States have heretofore enjoyed in relation thereto."

England contended that the word "right" in the Treaty of 1783 was used as applicable to what the United States were to enjoy in virtue of a recognized independence, and the word "liberty" to what they were to enjoy as concessions strictly dependent on the existence of the Treaty in full force, which concessions fell, as England asserted, on the declaration of war by the United States, and would not be revived excepting for an equivalent.

In the alarming condition of affairs, at home and abroad, in the autumn of 1814, our Government did finally authorize our negotiators at Ghent to agree to the *status quo ante bellum* as the basis of negotiation, provided only that our national independence was preserved. (See introductory notes by Hon. J. C. Bancroft Davis to "Treaties and Conventions," published by the Department of State in 1873, p. 1021.) The Treaty was signed on the 24th December, 1814. How different might have been its terms had there been procrastination till the news came of General Jackson's brilliant victory at New Orleans only fifteen days afterward, or till the escape of Napoleon from Elba only two months later.

The Treaty of 1818.

Within a short time after the close of the year 1814 England announced her purpose to exclude American fishermen from the "liberty" of fishing within one marine league of her shores in North America, and of drying and curing fish on the unsettled part of those territories.

The announcement led up to the Treaty of 1818, whereby the "liberty" conceded in 1783 to belong to American fishermen was confined within narrower limits, and the area of American fisheries was greatly reduced, as well as the quantity of American caught fish arriving exempt from taxation at our ports. That Treaty of 1818, and the misunderstanding under it, led up to the Marcy-Elgin Reciprocity Treaty of 1854, terminating in 1866, which covered by a new stipulation a part of the stipulations contained in the Treaty of 1818. Your Committee do not now express an opinion whether or not the termination of the Reciprocity Treaty of 1854 revived the superseded and dead stipulation of the Convention of 1818, contained in its renunciation sentences, which are the last sentences of the 1st Article, for which stipulation in the Treaty of 1818 a new and positive stipulation was substituted and inserted in the Treaty of 1854, which last-named Treaty might, in accordance with its terms, have been in force indefinitely.

The 1st Article of the Treaty of 1818, which has been the cause of such unnumbered international differences and disputes, is in these words:—

"Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind—

"1. On that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands;

"2. On the shores of the Magdalen Islands;

"3. And also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company.

"And that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

"And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits:

"Provided, however, that the American fishermen shall be permitted to enter such bays or harbours (1) for the purpose of shelter, and (2) of repairing damages therein; of (3) purchasing wood, and (4) of obtaining water, and for no other purpose whatever. But

they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

That Article does not allude to, or attempt to interfere with, our rights in the open sea, on the banks, or in the gulf, which were confirmed by the Concession of the independence of the thirteen States. It refers only to the liberty claimed and recognized by the Treaty of 1783, "on certain coasts, bays, harbours, and creeks." It begins by a recital that differences have arisen respecting the "liberty" claimed by American fishermen in those places. It neither mentions nor alludes to any differences about fishing on the high seas. It stipulates that American fishermen may fish on certain specified coasts, bays, harbours, creeks, and shores, and may dry and cure fish in certain unsettled bays, harbours, and creeks, and especially dry and cure on the coasts of Newfoundland, which last the Treaty of 1783 did not embrace. The United States "renounces" any "liberty" to take, dry, or cure fish within 3 miles of any other coasts, bays, creeks, or harbours than those specified in the Article, but the sentence of renunciation contains a stipulation that the American fishermen may enter "such bays or harbours" for four specified purposes, "and for no other purpose whatever," under such restrictions as may be necessary to prevent fishing, drying, or curing "therein."

Unless English words were in 1818 used in that Article in an unusual sense, there is not a sentence or word therein that has reference to anything else than taking, drying, or curing fish by American fishermen, on or within certain coasts, bays, creeks, or harbours therein described. No word or phrase mentioned alludes or refers to deep-sea fishing, or ordinary commercial privileges. The restrictions refer only to fishing, or drying, or curing "in such bays or harbours."

It is to be assumed that when this Treaty of 1818 was signed, the British Statutes of Charles II in restraint of navigation, the rudiments of which are to be seen in 1650, and were aimed at Dutch trade with British sugar Colonies, were, on the English side, rigorously enforced, so that no merchandize could be lawfully imported into Canadian ports excepting in English bottoms. The Treaty of 1818 was concluded on the 20th October of that year, but ratifications were not exchanged till the 30th January, 1819. Certainly on our side there was then in force legislative restriction on navigation almost as severe as was the English enactment after the restoration of Charles II. America had not then emerged from the era of the embargo, Berlin and Milan Decrees, and the influences of the war of 1812. On the 18th April, 1818, the President approved a law closing our ports after the 30th September, 1818, against British vessels coming from a Colony which, by the ordinary laws, is closed against American vessels. Touching at a port open to American vessels could not modify the restriction. Vessels and cargoes entering, or attempting to enter, in violation of the law, were forfeitable. And any English vessel that could lawfully enter our ports was compelled to give a bond, if laden outward with American products, not to land them in a British Colony or territory from which American vessels were excluded. The presumption is that, quite independently of fishing rights and liberties, no American vessel was for long before and after 1818 permitted by English law to touch and trade in Canadian ports. How that system of exclusion was gradually broken down, not by Treaty, but by concerted legislation, the Secretary of State and the Secretary of the Treasury have clearly exhibited in the communications referred to your Committee.

Not till 1822 were American wheat and lumber permitted to go directly from American ports to the British West Indies and be entered there. In 1843 Canada was allowed to import American wheat, and then send it through the St. Lawrence to the English market as native produce—an indirect open blow at the English Corn Laws. Canadian trade entered upon another stage of prosperity in 1846, when the restrictive navigation laws of England were again relaxed for her benefit, and in 1850, when Canada was quite relieved from the injurious influences of those laws; but yet Canada, at this late day, endeavours to return to those obsolete and condemned restraints on trade by excluding deep-sea American fishermen from her ports.

That a sovereign State has exclusive jurisdiction in its own territory, and over its own vessels on the high seas, is nowhere denied. Mr. Fish announced, as Secretary of State, in 1875, "We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from the coast." No nation has asserted, independently of a Treaty, an exclusive dominion over the sea surrounding its coast applicable to the passing ships of other nations. Why should a vessel which, under stress of weather or necessities of navigation, casts anchor for a few hours in a bay, be subjected to a larger or fuller foreign jurisdiction than a passing vessel,

provided in-shore fisheries are not thereby poached upon or the revenue evaded, or safe navigation endangered or crime attempted or committed? Why need a powerful State take any cognizance of such innocent and casual presence of a little body of foreign seamen? The Treaties which have been made applicable thereto refer to neutrality in war and the exclusive right of fishing, thereby proving the general rule. There is no doubt a well-founded claim, based on usage, over an exclusive dominion of some narrow zone of the sea for some purposes, but those purposes are carefully restricted, among other things, to navigation, rules of the road, lighthouses, quarantine, pilotage, anchorage, revenue, or local fisheries. By the Treaties of 1783 and 1818 there is a zone of the Canadian and Newfoundland coasts open and free to American fishermen.

That dispute was settled, and a new contract entered into by the Reciprocity Treaty of 1854, which stipulated:—

“Article 1. It is agreed by the High Contracting Parties that in addition to the liberty secured to the United States’ fishermen by the above-mentioned Convention of the 20th October, 1818, of taking, curing, and drying fish on certain coasts of British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward Island, and of the several islands thereunto adjacent (and, by another Article, Newfoundland), without being restricted to any distance from shore, with permission to land upon the coasts and shores of those Colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the same coast in their occupancy for the same purpose. It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that the salmon and chad fisheries and all fisheries in rivers and the mouths of rivers are hereby reserved exclusively for British fishermen.”

Similar provision was made in Article II, with like exception, for the admission of British subjects to take fish on a part of the sea-coasts and shores of the United States.

The United States purchased the fishery provisions of this Treaty and exemption from certain restrictions in the Treaty of 1818 by stipulations that certain enumerated articles of the growth and produce of the British Colonies of Canada, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland should be admitted at our ports free of duty.

They were the incidents of a larger question, namely, the terms of commercial intercourse between the United States and the British Colonies in North America.

It is not contended anywhere, by anybody, that the stipulations in the Treaty of Peace of 1783, by which the sovereignty and independence of the thirteen States were acknowledged, their boundaries fixed, their right established to navigate the high seas and to fish therein, fell by the war of 1812. Nor is it pretended that the war of 1812 grew out of the exercise of fishing rights under the Treaty of 1783, so as that whatever stipulations therein were intended to be permanent, to bind during war, and to survive war, were extinguished by the war. Even if it be conceded that the “liberty to Americans,” in the Treaty of 1783, to catch or cure and dry fish on the coast of Newfoundland, and “on the coasts, bays, and creeks of all other of Her Britannic Majesty’s dominions in America,” could, on a declaration of war by the United States, have been annulled by England, they were not at any time expressly annulled. If they could have been suspended by the will of England, they were not expressly suspended. If they were suspended by the fact of war, if they were like temporary commercial engagements, or like postal Treaties, there was nothing in the facts of the war of 1812 to prevent them from recommencing their operations automatically with the peace. Nothing in the relations of the two Governments was inconsistent with their survival. Mr. Dana, in his note on Wheaton (p. 353), has stated the rule thus:—

If a war arises from a cause independent of the Treaty, the survival of any clause in the Treaty must depend upon its nature and the circumstances under which it was made.

The question of amendment or survival of the Treaty of 1783, as to certain specified parts of the British coast in America, was, however, by the Treaty of 1818, made of no practical consequence (so long as that Treaty endured) by the renunciation signed by the United States.

The Canadian Contention.

The legal effect of the Ist Article of the Treaty of 1818 may be sketched in outline in this wise :—

All the British coast, shores, bays, harbours, and creeks in America were, by that Article, separated into two portions, which were bounded, defined, and indentified. The two may be marked, respectively, as (A) and (B). In the sixth volume of "Papers relating to the Treaty of Washington," published by the Department of State in 1874, is a Map of New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, coloured in a way to plainly exhibit these two portions. In all that portion marked (A) it was agreed that the inhabitants of the United States shall have for ever, in common with British subjects, the liberty to take fish of every kind; but as to the portion marked (B), the United States renounced for ever any liberty theretofore enjoyed or claimed to take, dry, or cure any fish. It was stipulated, nevertheless, that "the American fishermen shall be permitted to enter" the portion marked (B) for the purpose of shelter, repairing damages, purchasing wood, obtaining water, and "for no other purpose whatever."

The entire Article referred to inshore fishing. No right, and no liberty whatever, that might concern deep-sea fishermen, did the United States, by the Treaty of 1818, renounce.

This obvious intent and purpose of the Article is confirmed by the last words of the section, which declares: "But they" (the American fishermen) "shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein" (in portion B), "or in any other manner abusing the privileges hereby reserved to them." The "restrictions" to be imposed upon the American fishermen, while in portion (B), are expressly limited, not to such as concern navigation or revenue, but to such as were specifically renounced, namely, to such as "may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them," in order to take, dry, or cure fish therein.

Was it not clearly the intention of the negotiators of this Treaty that the character of these restrictions should be agreed upon by the parties to the Treaty? Is it reasonable to assume that the American negotiators intended that the Canadian provinces, or even the British Government, should have the exclusive power to prescribe "restrictions" which might entirely destroy the value of any unrenounced right and liberty theretofore claimed and enjoyed, or of any conceded "privileges" thereby reserved to American fishermen in portion (B)?

These preliminary explanations will assist to measure the force and bearing upon American deep-sea fishermen of the interpretation put upon the Treaty by the Canadian Dominion during the last summer.

The following extracts are taken from the Message of the President to Congress of the 8th ultimo.

What Canada has Said.

On the 5th June, 1886, the Canadian Minister of Marine and Fisheries declared :—

"It appears the 'Jennie and Julia' is a vessel of about 14 tons register, that she was to all intents and purposes a fishing vessel, and, at the time of her entry into the port of Digby, had fishing gear and apparatus on board, and that the Collector fully satisfied himself of these facts. According to the master's declaration, she was there to purchase fresh herring only, and wished to get them direct from the weir fishermen. The Collector, upon his conviction that she was a fishing-vessel, and, as such, debarred by the Treaty of 1818 from entering Canadian ports for the purposes of trade, therefore, in the exercise of his plain duty, warned her off.

"The Treaty of 1818 is explicit in its terms, and by it United States' fishing-vessels are allowed to enter Canadian ports for shelter, repairs, wood and water, and 'for no other purpose whatever.'

"The Undersigned is of the opinion that it cannot be successfully contended that a *bond fide* fishing-vessel can, by simply declaring her intention of purchasing fresh fish for other than baiting purposes, evade the provisions of the Treaty of 1818, and obtain privileges not contemplated thereby. If that were admitted, the provision of the Treaty which excludes United States' fishing-vessels for all purposes, but the four above mentioned would be rendered null and void, and the whole United States' fishing fleet be at once lifted out of the category of fishing-vessels, and allowed the free use of Canadian ports for baiting, obtaining supplies, and transshipping cargoes.

"It appears to the Undersigned that the question as to whether a vessel is a fishing-vessel or a legitimate trader or merchant-vessel is one of fact, and to be decided by the

character of the vessel and the nature of her outfit, and that the class to which she belongs is not to be determined by the simple declaration of her master, that he is not at any given time acting in the character of a fisherman.

"At the same time, the Undersigned begs again to observe that Canada has no desire to interrupt the long-established and legitimate commercial intercourse with the United States, but rather to encourage and maintain it, and that Canadian ports are at present open to the whole merchant navy of the United States on the same liberal conditions as heretofore accorded."

On the 7th June, 1886, the Canadian Governor-General advised the Minister of Foreign Affairs at London:—

"No attempt has been made, either by the authorities intrusted with the enforcement of the existing law or by the Parliament of the Dominion, to interfere with vessels engaged in *bonâ fide* commercial transactions upon the coast of the Dominion. The two vessels which have been seized are both of them beyond all question fishing-vessels, and not traders, and therefore liable, subject to the finding of the Courts, to any penalties imposed by law for the enforcement of the Convention of 1818 on parties violating the terms of that Convention."

On the 14th June, 1886, a Committee of the Privy Council for Canada put forth the following opinions and conclusions, which were approved by the Governor-General:—

"It is not, however, the case that the Convention of 1818 affected only the inshore fisheries of the British provinces; it was framed with the object of affording a complete and exclusive definition of the rights and liberties which the fishermen of the United States were thenceforward to enjoy in following their vocation, so far as those rights could be affected by facilities for access to the shores or waters of the British provinces, or for intercourse with their people. It is therefore no undue expansion of the scope of that Convention to interpret strictly those of its provisions by which such access is denied, except to vessels requiring it for the purposes specifically described.

"Such an undue expansion would, upon the other hand, certainly take place if, under cover of its provisions or of any agreement relating to general commercial intercourse which may have since been made, permission were accorded to United States' fishermen to resort habitually to the harbours of the Dominion, not for the sake of seeking safety for their vessels, or of avoiding risk to human life, but in order to use those harbours as a general base of operations from which to prosecute and organize with greater advantage to themselves the industry in which they are engaged.

"It was in order to guard against such an abuse of the provisions of the Treaty that amongst them was included the stipulation, that not only should the inshore fisheries be reserved to British fishermen, but that the United States should renounce the right of their fishermen to enter the bays or harbours, excepting for the four specified purposes, which do not include the purchase of bait or other appliances, whether intended for the deep-sea fisheries or not.

"The Undersigned, therefore, cannot concur in Mr. Bayard's contention, that 'to prevent the purchase of bait, or any other supply needed for deep-sea fishing, would be to expand the Convention to objects wholly beyond the purview, scope, and intent of the Treaty, and to give to it an effect never contemplated.'

"Mr. Bayard suggests that the possession by a fishing-vessel of a permit to 'touch and trade' should give to her a right to enter Canadian ports for other than the purposes named in the Treaty, or, in other words, should give her perfect immunity from its provisions. This would amount to a practical repeal of the Treaty, because it would enable a United States' Collector of Customs, by issuing a licence originally only intended for purposes of domestic Customs regulation, to give exemption from the Treaty to every United States' fishing-vessel. The observation that similar vessels under the British flag have the right to enter the ports of the United States for the purchase of supplies loses its force when it is remembered that the Convention of 1818 contained no restriction on British vessels and no renunciation of any privileges in regard to them."

On the 14th August, 1886, the Minister of Marine and Fisheries said:—

"There seems no doubt, therefore, that the 'Novelty' was in character and in purpose a fishing-vessel, and as such comes under the provisions of the Treaty of 1818, which allows United States' fishing-vessels to enter Canadian ports 'for the purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water, and for no other purpose whatever.'

"The object of the captain was to obtain supplies for the prosecution of his fishing, and to tranship his cargoes of fish at a Canadian port, both of which are contrary to the letter and spirit of the Convention of 1818."

On the 30th October, 1886, a Committee of the Canadian Privy Council contended, and the Administrator of the Government in Council upheld the contention—

“That the Convention of 1818, while it grants to United States’ fishermen the right of fishing in common with British subjects on the shores of the Magdalen Islands, does not confer upon them privileges of trading or of shipping men, and it was against possible acts of the latter kind, and not against fishing inshore, or seeking the rights of hospitality guaranteed under the Treaty, that Captain Vachem [McEachern] was warned by the Collector.”

On the 24th November, 1886, a Committee of the Canadian Privy Council declared, and the Governor-General approved the declaration—

“The Minister of Marine and Fisheries, to whom said despatch was referred for early report, states that any foreign vessel, ‘not manned nor equipped, nor in any way prepared for taking fish,’ has full liberty of commercial intercourse in Canadian ports upon the same conditions as are applicable to regularly registered foreign merchant-vessels; nor is any restriction imposed upon any foreign vessels dealing in fish of any kind different from those imposed upon foreign merchant-vessels dealing in other commercial commodities.

“That the Regulations under which foreign vessels may trade at Canadian ports are contained in the Customs Laws of Canada (a copy of which is herewith), and which render it necessary, among other things, that upon arrival at any Canadian port a vessel must at once enter inward at the custom-house, and, upon the completion of her loading, clear outwards for her port of destination.”

American Fishermen are not Outcasts.

The foregoing contention, set up not merely by the Canadian Privy Council, but by the Governor-General of the Dominion of Canada, sweeps into the meshes of Canadian legislation to enforce the 1st Article of the Treaty of 1818 every deep-sea fisherman, in his relation to Canadian ports, no matter on what sea or ocean, Atlantic or Pacific, he may have pursued, or may intend to pursue, his industry. That contention places all American deep-sea fishermen entitled to wear the flag of the Union at the masthead of their boats or vessels, be they little or big, under much the same ban in respect to the hospitality of Canadian ports as they would be if pirates, or slave-traders, or filibusters, or other enemies of the human race. “She was a fishing-vessel,” says, on the 5th June, 1886, the Canadian Minister of Marine and Fisheries, and therefore “debarred by the Treaty of 1818 from entering Canada for the purposes of trade.” “The two vessels which have been seized are, both of them, beyond all question fishing-vessels, and not traders,” says the Governor-General of the Dominion of Canada to Lord Granville on the 7th June, 1886, “and therefore liable, subject to the finding of the Courts, to any penalties imposed by law for the enforcement of the Convention of 1818.” “We cannot concur in Mr. Bayard’s contention,” said the Canadian Privy Council on the 14th June, 1886, that “to prevent the purchase of bait or any other supply needed for deep-sea fishing would be to expand the Convention to objects wholly beyond the purview, scope, and intent of the Treaty, and give to it an effect never contemplated.” “American deep-sea fishermen cannot,” said the Canadian Minister of Marine and Fisheries, on the 14th October, 1886, “obtain supplies for the prosecution of his fishing, and to tranship his cargoes of fish at a Canadian port,” because both “are contrary to the letter and spirit of the Convention of 1818.” “The Convention of 1818,” said a Committee of the Canadian Privy Council, on the 30th October, 1886, “does not confer upon United States’ fishermen ‘privileges of trading or of shipping men’ in Canadian ports.” And, finally, a Committee of the Canadian Privy Council declared, in effect, on the 24th November, 1886, that an American vessel manned, equipped, and prepared for taking fish has not the liberty of commercial intercourse in Canadian ports, such as are applicable to other regularly registered foreign merchant-vessels.

Such an interpretation of the present legal effect of the 1st Article of the Treaty of 1818 is, in the opinion of your Committee, so preposterous, in view of concerted laws of comity and good neighbourhood enacted by the two countries, that, had it not been formally put forward by the Dominion of Canada, would not deserve serious consideration by intelligent persons. If all the stipulations of 1818 restraining American fishermen are now in full force (which may well be doubted), your Committee concedes that American fishermen have no more liberty to take fish, or to dry, or cure fish in what has been described as portion (B), than a British fisherman has to take fish in the inner harbour of New York, and to dry or cure fish in the City Hall Park of that city. But the liberty of an American fisherman to take, dry, and cure fish in portion (A), in common with

British subjects, is as complete and absolute as is the right of citizens of New York to fish in the waters of the Hudson River. The Treaty of 1818 furnishes no more excuse for the exclusion of a deep-sea fisherman from the port of Halifax, or any other open port of the Dominion of Canada, than for the exclusion by the Secretary of the Treasury of a deep-sea fisherman from entering the port of New York according to the forms of law, and for the ordinary purposes of trade and commerce. The exclusion, if made, must be justified, if at all, for other reasons than any yet given by Canada.

Keeping in mind the words of the IIIrd Article of the Treaty of Peace in 1783, which not only acknowledged the right of the united American Colonies to fish in the open sea as freely as to navigate the open sea, but also acknowledged and stipulated for the liberty to "take fish of every kind" on coasts, bays, and creeks of all of His Britannic Majesty's dominions in America, it will be discerned that this contention of the Privy Council of Canada makes of the renunciation by the United States in 1818 of the liberty theretofore enjoyed or claimed by American fishermen within 3 miles of certain carefully defined coasts, bays, creeks, or harbours, not merely a renunciation of specific local liberty, but a forsaking, a relinquishment, a surrender, an abandonment by the United States of other rights held up to 1818.

Certain Canadian Coasts are subservient to American Fishermen.

The Treaty of 1783 diminished and impaired, and was intended to diminish and impair, British sovereignty over the remaining British Colonies of North America. The United States had conquered full and complete dominion over the right of fishing in the jurisdictional waters of each of the thirteen United States, but the British Colonies did not emerge from the negotiations of the Treaty of Peace with similar dominion over the fisheries on the shores and coasts of the thirteen recognized States. British fishermen cannot fish on the coasts of Massachusetts, but American fishermen can fish on certain shores and coasts of the Dominion of Canada and of Newfoundland. Apart from fishing and the incidents of fishing, it is conceded that the British Government has exclusive control, as against the United States, of the customary and usual rights of navigation in the jurisdictional waters of the British Colonies. What we claim for ourselves, under the rules of public law, and apart from Treaties, we concede to others. Rights of navigation are ordinarily separate from rights of fishing. The Commonwealth of Massachusetts may control the right and liberty of fishing on her coast, as against any Power other than the Government of Washington, but the right of navigation of the jurisdictional waters of Massachusetts is always subject to the control of the United States. The use of waters in respect of navigation is easily distinguishable from the fruit of waters in respect to fishing or fish. The United States have, so far as the British North American Colonies and all the world are concerned, the right of navigating and fishing on the high seas, and in addition the right of fishing in certain British territorial and jurisdictional waters. That right of fishing, either inshore or offshore, should carry with it the natural and necessary navigating incidents of the right.

It may be conceded that, apart from the right of American fishermen to take fish of all kinds within certain clearly defined British waters, American deep-sea fishermen have no greater rights, by Treaty or public law, in British ports, than British fishermen have in American ports, so far as concerns revenue police, maritime tolls or taxes, pilotage, light-houses, quarantine, and all matters of ceremonial. But the contention of the Privy Council of Canada is, that if a vessel bearing the registry, or enrolment, or licence of the Treasury Department (which alone makes her an American vessel) be licensed, equipped, and under contract with her seamen as an American fisherman on the open sea, she thereby comes under the ban of the Treaty of 1818, and is thereby abandoned by the nation whose flag is at her mast-head, and is by the Treaty excluded from an entrance into a Canadian or Newfoundland port, excepting for one of the objects enumerated in that Treaty. Canadian ports are closed to her as to an outcast. An American or a Canadian fishing-vessel on the high seas, and lawfully wearing the flag of its country, should be, if permitted by its own Government to touch and trade, entitled to the same rights of navigation and the same treatment in a foreign port as any trading vessel.

Canadian Inhumanity.

If the Privy Council and the Governor-General of the Canadian Dominion excluded all American vessels from all rights of touching or trading in Canadian ports excepting to obtain shelter, repairs, wood, or water, the contention would be logical and more tolerable; but to every American vessel other than a fishing-vessel, be the fisherman big

or little—a schooner, a sloop, a ship, or a steamer of large tonnage—Canadian ports seem to be wide open. If, however, she be an American fishing-vessel on the high seas, she cannot go into a Canadian bay even to bury those of her dead who in life may have been British subjects with a domicile in Canada and a residence on the land near the bay, and may have expressed a wish not to be committed to the sea, but to be lain at rest by their kindred on the spot which gave them birth.

The Treaty of 1818 gave rights of fishing independent of general commercial rights, although it may be said that, as to shelter, repairs, wood, and water, the Treaty did give to fishermen certain commercial rights, or rather a few rights of humanity. The Treaty did not restrain the granting or the exercising of commercial rights. The right, if it be a right, of an American to buy anything in Canada, does not come of the inshore fishing Treaty of 1818. Your Committee are not aware of any Canadian or Newfoundland law which, having been approved by the British Crown, forbids a British subject to there sell ice, or bait, or anything else, to an American, or to trade with him. If there be such a law, then non-intercourse has to that extent been proclaimed against our countrymen.

Canadian Violations of Treaties.

The contention of your Committee is that the Treaty of 1818 covers differences and disputes about the liberty of American fishermen to take, dry, and cure fish on certain British North American coasts, bays, harbours, and creeks. The Privy Council of Canada, at the bottom of page 32 (Ex. Doc. No. 19, Forty-ninth Congress, second Session), concedes the correctness of this contention. They say:

“The sole purpose of the contention of 1818 was to establish and define the rights of citizens of the two countries in relation to the fisheries on the British North American coast.”

The Treaty is limited to coast fishing, drying, or curing. On certain defined portions of the coast “American fishermen” may fish, but elsewhere on the coast they may not fish, and yet those coast “American fishermen” may, nevertheless, and for certain purposes, enter the bays and harbours in which they cannot fish, under restrictions—to prevent them from doing what? “Taking, drying, or curing fish therein?”

Your Committee contend that the term “American fishermen,” as used in the Treaty of 1818, means the “American fishermen” of and under that Treaty. The rule *noscitur a sociis*, as understood and applied by Judges and lawyers in England and America, limits and defines the term. They have a Treaty right to enter “such bays and harbours” and to remain there, subject, and subject only, to such restrictions “as may be necessary to prevent their taking, drying, or curing fish therein.” The restrictions can only apply to the prevention of such fishing in those bays or harbours. Whatever concerns or is preparation for fishing elsewhere is not thereby to be prevented. It is true that, by the Treaty of 1818, we have stipulated that our fishermen “shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein,” but the Treaty says nothing of “preparing to fish” somewhere else. A fair presentation of the opinions of the Vice-Admiralty Court of Canada, in regard to the meaning of the Canadian phrase “preparing to fish”—which is a stranger to the Treaty of 1818—can be seen in Dr. Wharton’s “International Law Digest,” vol. iii, section 304.

If it be said that our view of the Treaty is strict, severe, and rigid as against Canadian Statutes and officials, your Committee answer that when Canada proposes and endeavours to use a Treaty to arrest and fine American fishermen, seize and confiscate American vessels for the benefit of Canadian seizers, the Government of the United States is entitled to stand on such an interpretation. But even if the Treaty of 1818 covers (which it does not) every American fisherman entering a Canadian harbour, on whatever sea or ocean he may cast a line or draw a seine, the Canadian Statutes do not preserve and enforce the Treaty. They destroy it, so far as the privileges are concerned that are given to American fishermen by the Treaty.

First of all, in order of time and authority, is the Imperial legislation at London in 1819 to enforce the Treaty of the previous year. After forbidding every one, excepting British subjects and American citizens (who could do so within defined limits), to fish, dry, or cure fish anywhere within 3 miles of British coasts in America, that Law of 1819 punishes by forfeiture any offending vessel, and all the articles on board.

Then comes this:—

“That if any person or persons, upon requisition made by the Governor of Newfoundland, or the person exercising the office of Governor, or by any Governor or person exercising the office of Governor, in any other parts of His Majesty’s dominions in

America, as aforesaid, or by any officer or officers acting under such Governor or person exercising the office of Governor, in the execution of any orders or instructions from His Majesty in Council, shall refuse to depart from such bays or harbours; or if any person or persons shall refuse or neglect to conform to any regulations or directions which shall be made or given for the execution of any of the purposes of this Act, every such person so refusing or otherwise offending against this Act shall forfeit the sum of 200*l.*, to be recovered, &c."

It will be seen that not forfeiture, but a fine to be recovered by a suit, is inflicted for refusing or neglecting to depart on notice. The Statutes of Canada are not, as the Canadian Privy Council asserted (p. 32), "expressed in almost the same language" as the foregoing Imperial Statute.

The Prince Edwards' enactment of 1844 gives the key-note of Canadian enactments. It declares:—

"Whereas by the Convention (made between His late Majesty King George III and the United States of America, signed at London, on the 20th day of October, in the year of our Lord 1818), and the Statute (made and passed in the Parliament of Great Britain in the 59th year of the reign of His late Majesty King George III), all foreign ships, vessels, or boats, or any ship, vessel, or boat other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, found fishing, or to have been fishing, or preparing to fish, within certain distances of any coast, bays, creeks, or harbours whatever, in any part of His Majesty's dominions in America not included within the limits specified in the 1st Article of the said Convention, are liable to seizure; and whereas the United States did by the said Convention renounce for ever any liberty enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within the above-mentioned limits: provided, however, that the American fishermen be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purposes whatever, but under such restrictions as might be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges thereby reserved to them; and whereas no Rules or Regulations have been made for such purpose, and the interests of the inhabitants of this island are materially impaired; and whereas the said Act does not designate the persons who are to make such seizure as aforesaid, and it frequently happens that persons found within the distances of the coasts aforesaid, infringing the Articles of the Convention aforesaid, and the enactments of the Statute aforesaid, on being taken possession of, profess to have come within said limits for the purpose of shelter and repairing damages therein, or to purchase wood and obtain water, by which the law is evaded, and the vessels and cargoes escape confiscation, although the cargoes may be evidently intended to be smuggled into this island, and the fishery carried on contrary to the said Convention and Statute."

The Canadian enactment of 1868 came next, the second and third sections of which say:—

2. Any commissioned officer of Her Majesty's navy serving on board of any vessel of Her Majesty's navy cruising and being in the waters of Canada for purpose of affording protection to Her Majesty's subjects engaged in the fisheries, or any commissioned officer of Her Majesty's navy, fishery officer, or stipendiary magistrate on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of the Customs of Canada, sheriff, magistrate, or other person duly commissioned for that purpose, may go on board of any ship, vessel, or boat within any harbour in Canada, or hovering (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbours in Canada, and stay on board so long as she may remain within such place or distance.

3. If such ship, vessel, or boat be bound elsewhere, and shall continue within such harbour or so hovering for twenty-four hours after the master shall have been required to depart, any one of such officers or persons as are above mentioned may bring such ship, vessel, or boat into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit 400 dollars; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbours of Canada, not included within the above-mentioned limits, without a licence, or after the expiration of the period named in the last licence granted to such ship, vessel, or boat under the 1st section of this Act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

The Treaty stipulates that the fishermen shall be under "necessary restrictions" to prevent the doing of the things forbidden by the Treaty, but what may be "necessary" to prevent the prohibited fishing is a political and diplomatic question for the two Signatory Governments to decide. The Treaty permits American fishermen to enter and remain for—

1. "Shelter," which includes a refuge from fogs, winds, storms, and whatever may imperil fishing.

2. "Repairing damages," which includes every damage to fishing-boat or fishing-gear.

3. "Purchasing wood."

4. "Obtaining water."

Conceding that Canada can place an officer on every arriving fisherman as soon as found, the Treaty does not even then authorize a twenty-four hour limit with the result of forfeiture. Nor does the Treaty authorize forfeiture for "preparing to fish."

The Customs Circular issued at Ottawa on the 7th May, 1886, and called a "Warning," recited the 1st Article of the Treaty of 1818, together with the two sections of the Law of 1868 just quoted, and adds:—

"Having reference to the above, you are requested to furnish any foreign vessels, boats, or fishermen found within 3 marine miles of the shore, within your district, with a printed copy of the Warning inclosed herewith.

"If any fishing-vessel or boat of the United States is found fishing, or to have been fishing, or preparing to fish, or hovering within the 3-mile limit, does not depart within twenty-four hours after receiving such Warning, you will please place an officer on board of such vessel, and at once telegraph the facts to the Fisheries Department at Ottawa, and await instructions.

(Signed)

" J. JOHNSON, *Commissioner of Customs.*

"To the Collector of Customs at

Thus, twenty-four hours after finding the American fisherman is made the limit.

Not satisfied with the severity of this legislation of 1868, the Canadian Dominion, in 1870, and while preliminary negotiations for the Joint High Commission and the Treaty of Washington were in progress, amended it so as to enable seizures of our vessels to be made on sight, and without any warning or any notice to depart. The following is a text of the enactment of 1870:—

(33 Victoria, chap. 15.)

"An Act to amend the Act respecting Fishing by Foreign Vessels. Assented to May 12, 1870.

"Whereas it is expedient, for the more effectual protection of the inshore fisheries of Canada against intrusion by foreigners, to amend the Act entitled 'An Act respecting fishing by foreign vessels,' passed in the thirty-first year of Her Majesty's reign: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"1. The third section of the above-cited Act shall be, and is hereby, repealed, and the following section is enacted in its stead:

"'3. Any one of such officers or persons as are above-mentioned may bring any ship, vessel, or boat being within any harbour in Canada, or hovering (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbours in Canada, into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command shall not truly answer the questions put to him in such examination he shall forfeit 400 dollars; and if such ship, vessel, or boat be foreign or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing or preparing to fish, or to have been fishing (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbours of Canada, not included within the above-mentioned limits, without a licence or after the expiration of the period named in the last licence granted to such ship, vessel, or boat, under the 1st section of this Act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.'

"2. This Act shall not be construed as one with the said Act 'respecting fishing by foreign vessels.'"

But this is not all. Canadian officials endeavoured, during the last summer, in the fury of their malevolence, to forfeit American vessels for acts which, if committed, their

own laws had not inflicted punishment. In the libel of information against the "Ella M. Doughty" is this article, among other allegations of fishing, preparing to fish, being found having fished, and fishing, drying, and curing in the bay and harbour of St. Anne's:

"Between the 10th and 17th days of May, 1886, the said Warren A. Doughty, the master of the said ship or vessel 'Ella M. Doughty,' and the officers and crew of the said ship or vessel 'Ella M. Doughty,' did, in and with the said ship or vessel 'Ella M. Doughty,' enter into the bay and harbour of St. Anne's aforesaid within 3 marine miles of the shore of said bay and harbour of St. Anne's, and within 3 miles of the coasts, bays, creeks, and harbours of those portions of the dominions in America of His said late Majesty King George III, being now the dominions in America of Her Majesty Queen Victoria, not included in the limits specified and defined in the said 1st Article of the said Convention, and set out and recited in the first paragraph hereof, for the purpose of procuring bait, that is to say, herrings, wherewith to fish, and ice for the preservation on board said vessel of bait to be used in fishing, and of fresh fish to be fished for, taken, and caught by and upon the said vessel and by the master, officers, and crew thereof, and did procure such bait wherewith to fish, and such ice for the purposes aforesaid, and did so enter for other purposes than for the purpose of shelter or repairing damages, or of purchasing wood, or of obtaining water, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel 'Ella M. Doughty' and her cargo were thereupon seized within 3 marine miles of the coast or shores of the said bay and harbour of St. Anne's by Donald McAuley and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for the breach or violation of the said Convention and of the said several Acts."

Your Committee has been unable to find a Canadian Statute which, at the date of the alleged offence, punished those acts by forfeiture of the offending vessel. None is averred. The article quoted from the "Ella M. Doughty" libel does not set forth where the fishing was to be done for which bait and ice were bought, whether on the ocean or elsewhere, outside of Canadian jurisdiction. The laws of 1868 and 1870 denounce only fishing or preparing to fish "in British waters," which must be, of course, under the Treaty, the prohibited and not permitted British waters.

Thus stood Canadian legislation at the beginning of the summer fishing season which has recently come to an end. There was no Canadian or other law, at the end of forty-eight years from the date of the Treaty, inflicting forfeiture of the vessel and the cargo on board excepting on proof of the offence of fishing, or having been found to have fished, or preparing to fish, on the prohibited coasts. But Canadian officials wished to forfeit the vessels and cargoes of American deep-sea fishermen exercising the liberty "to touch and trade," and send fish by railway, or vessel, to our own markets. What could be done? Nothing less than a new law could avail them, and it was enacted in these words:

(49 Victoria, chap. 114.)

"An Act further to amend the Act respecting Fishing by Foreign Vessels.

(Reserved by the Governor-General on Wednesday, the 2nd June, 1886, for the signification of the Queen's pleasure thereon. Royal assent given by Her Majesty in Council, on the 26th day of November, 1886. Proclamation thereof made on the 24th day of December, 1886.)

"Whereas it is expedient for the more effectual protection of the inshore fisheries of Canada against intrusion by foreigners to further amend the Act, intituled 'An Act respecting fishing by foreign vessels,' passed in the thirty-first year of Her Majesty's reign, and chaptered 61:

"Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"1. The section substituted by the 1st section of the Act 33 Victoria, chapter 151, intituled 'An Act to amend the Act respecting fishing by foreign vessels,' for the 3rd section of the hereinbefore recited Act, is hereby repealed, and the following section substituted in lieu thereof:

"3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat, being within any harbour of Canada, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbours in Canada, into port and

search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of 400 dollars; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada. and (a) has been found fishing, or preparing to fish, or to have been fishing in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbours of Canada, not included within the above-mentioned limits, without a licence, or after the expiration of the term named in the last licence granted to such ship, vessel, or boat under the 1st section of this Act, or (b) *has entered such waters for any purpose not permitted by Treaty or Convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.*

"2. The Acts mentioned in the Schedule hereto are hereby repealed.

"3. This Act shall be construed as one with the said 'Act respecting fishing by foreign vessels,' and the amendments thereto."

SCHEDULE.

Acts of the Legislature of the Province of Nova Scotia.

Year, Reign, and Chapter.	Title of Act.	Extent of Repeal.
Revised Statutes, third series, c. 94 ..	Of the Coast and Deep Sea Fisheries	The whole.
29 Vict. (1866), c. 35	An Act to amend chapter 94 of the Revised Statutes, "Of the Coast and Deep Sea Fisheries" ..	The whole.

Act of the Legislature of the Province of New Brunswick.

16 Vict. (1853), c. 69	An Act relating to the Coast Fisheries and for the prevention of Illicit Trade	The whole.
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By comparing the foregoing with the Law of 1870 the object will, in the italicised portion of the former, be clearly discovered, which is to deter deep-sea American fishermen from entering Canadian ports, which are as open to all trading-vessels as American ports are to Canadian vessels of every sort.

Forfeiture is to be inflicted for an entry for any purpose, excepting shelter, repairs, wood, or water. Even to get coal for a fishing-vessel propelled by steam is condemned. What the purpose may be for which seizure is to be made may or may not be disclosed by the seizer. The Statute does not require it. The libel, or complaint, filed in Court may not disclose it. The averment may be merely a general one that the vessel entered for a purpose forbidden by Treaty or Statute. The owner must file a claim and answer, or his property will be condemned by default. He must, among strangers, give security for costs, or his claim will be dismissed. Worse than that, the Statute of 1868 declares that, if the owner questions the legality of the seizure, the burden of proof shall be on him. How can he meet a general averment and prove a negative of what is not definitely averred, and of every conceivable purpose of entry? None but the captain may be able to testify to the motive, and what will happen if he, after the seizure, shall die or be absent! The owner will be helpless to contend with the greed of informers or seizors, for the Law of 1871 distributes the possible plunder thus:—

"6. All goods, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo condemned as forfeited under this Act, shall be sold by public auction, by direction of the officer having the custody thereof, under the provisions of the next preceding section of this Act, and under Regulations to be from time to time made by the Governor in Council; and the proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay therefrom all necessary costs and expenses of custody and sale, and the Governor in Council may from time to time apportion three-fourths or less of the net remainder among the officers and crew of any Queen's ship or Canadian Government vessel from on board of which the seizure was made, as he may think right, reserving for the Government, and paying over to the Receiver-General, at least one-fourth of such net remainder, to form part of the consolidated revenue of Canada."

Conclusions.

The Treaties of 1783 and 1818 were made with the British Crown. With that Crown alone can restrictions, Regulations, penalties, and measures be concerted by the United States to enforce and guard their stipulations. With the Dominion of Canada the Government at Washington is not called, or required, or to be expected, either to deliberate or debate, any more than is the British Crown, with a separate member of our Union. It is not to be supposed that a local Colonial Court will, on the trial of a suit for forfeiture, begun under an Imperial or a Colonial Statute, hear or decide an issue with the Treaty of 1818, or rules of international law, or those Statutes. Nor will those Courts award damages for seizures in violation of the Treaty, if made on "probable cause" by the seizers to believe that the Statutes had been violated. Nor can the United States appeal to Colonial Courts for redress against the possible conduct of those Courts under influences of local passion or prejudice.

It plainly appears to your Committee, from the foregoing considerations, that, by the Treaty of Peace in 1783, American citizens became partners with British subjects in all the coast fisheries in North America remaining to Great Britain; that the Treaty of Ghent, which closed the war of 1812, not having referred to the stipulations of the Treaty of Peace in any way affecting the fisheries, Great Britain thereupon urged and obtained in 1818 a diminution of American liberty to take fish on certain well-defined portions of the British coast in North America; that in 1819 there was enacted by Parliament, sitting in London, a law in execution of that Treaty, which punished by forfeiture of vessel and cargo a preparation to fish, and only by a fine a refusal or neglect to depart on a warning or notice so to do; that in 1844 the Island of Prince Edward enacted a law in punishment of what it assumed to be a violation of the Treaty of 1818, which went far beyond the Imperial Statute of 1819; that in 1868 the Canadian Senate and House of Commons prescribed additional proceedings and penalties not warranted by the Treaty, which were in 1870 made more severe and unwarranted, and that in 1886, nearly half-a-century after signing the Treaty, an offence, entirely new in legislation, was denounced in most general terms and punished by confiscation of everything seized.

The British Crown proclaims Non-Intercourse.

A very serious feature of this last-named legislation is that it has been approved by the British Crown, and it proclaims non-intercourse in Canada with American fishing-vessels for general purposes of trade. To that alarming feature your Committee has given careful consideration, and is unanimously of opinion that if, and so long as, non-intercourse with American fishing-vessels shall be thus maintained in the ports or bays of the Dominion of Canada or Newfoundland, a non-intercourse should be immediately begun and maintained in our own ports against Canadian vessels. Those vessels, whether trading or fishing, have, within the meaning of the seventeenth section of the Law of Congress of the 19th June, 1886, "been placed on the same footing" in our ports as our own vessels clearing or entering "foreign." Canadian vessels are British vessels. The British Crown has denied to American fishing-vessels commercial privileges accorded to other national vessels in Canadian ports. The motive and purpose of such denial have been openly and plainly avowed by Canada to be, first, the punishment of such vessels because the United States levies a duty on Canadian fish not "fresh for immediate consumption," such as the Government levies on all such fish not the product of American fisheries and imported from any foreign place whatever; and, secondly, to coerce the United States to exempt such Canadian fish from all customs duties, and to enter into other new reciprocal customs relations with the Canadian Dominion and Newfoundland. It is a policy of threat and coercion, which, in the opinion of your Committee, should be instantly and summarily dealt with. The circumstances will warrant and require, in the opinion of your Committee, not only non-intercourse with Canadian vessels bringing Canadian or Newfoundland fish to our ports, but an exclusion of such fish from entry at our ports, whether brought by railway cars or by any other vehicle or means. It is difficult to believe that Canada, having within the last twenty years so severely burdened herself with taxation by the construction of railways and bridges to bring about easy communication with Detroit, Chicago, St. Paul, and the whole West of our country, as well as with New York and Boston, will now deliberately and offensively enter upon and pursue a policy toward our fishermen which, if persisted in, can but end either in a suspension of commercial intercourse, by land and sea, between her and ourselves, or in consequences even more grave.

A Law to make a Perpetual Record of the Facts.

And, furthermore, in regard to seizures of American vessels made during the summer, which has just passed, inasmuch as a true record of the facts under which the seizures were made may be lost, by death of the victims, or by wanderings of a class so migratory as seamen, or by other casualties, and inasmuch as Congress may see fit to compensate American fishermen for the injuries wantonly inflicted on them by the rude hand of tyrannical Canadian officials, there having been no adequate American force at hand for their protection, your Committee advise the enactment of the following:—

Bill for the Appointment of a Commission to Investigate concerning Losses and Injuries inflicted since December 31, 1885, on United States' Citizens engaged in the North American Fisheries.

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President be, and is hereby, authorized to appoint a Commissioner to proceed to such places in the United States or elsewhere as may be designated by the Secretary of State, to take testimony, under oath or affirmation, in relation to the losses and injuries inflicted since the 31st December, 1885, by British authorities, Imperial or Colonial, upon citizens of the United States engaged in the fisheries on the north-east coasts of British North America. Said Commissioner shall everywhere have, in respect to the administration of oaths or affirmations and the taking of testimony, the same powers as a Commissioner of a Circuit Court, and shall be paid the same fees as are prescribed for similar services of a Commissioner of a Circuit Court, together with travelling expenses.”

No. 43.

Sir L. West to the Marquis of Salisbury.—(Received February 7.)

(Extract.)

Washington, January 25, 1887.

I HAVE the honour to inform your Lordship that the Senate has passed the Bill copies of which were inclosed in my despatch of the 19th instant, by a vote of 46 to 1, after a debate the official Report of which is herewith inclosed, together with a précis by Mr. Spring Rice.

Inclosure in No. 43.

Debate in the Senate on the Bill introduced by Mr. Edmunds to authorize the President to protect and defend the Rights of American fishing-vessels in certain cases.—January 24, 1887.

MR. FRYE suggested that the words, “also if he thinks proper,” should be omitted from the Bill, on the ground that the retaliatory measures would be the first and not the last resort of the President in the existing circumstances.

Mr. Edmunds consented to the omission.

Mr. Ingalls thought it important that the Committee on Foreign Relations should inform the Senate whether this measure was an invitation to negotiate or practically a declaration of war. A simple measure of retaliation was not, in his opinion, sufficient. He suggested that the President should be empowered to appoint a Commission, in order to reach some basis of understanding between Great Britain, Canada, and the United States in regard to the fisheries.

Mr. Frye said that this would be playing into the hands of Canada, whose only object was to secure a Treaty which, as before, would turn out only to her advantage. If the President took advantage of this Bill, Canada would stop her outrages. The British Government had approved the Canadian Statute for enforcing further measures of hostility against American fishermen. The only way of putting a stop to these outrages

was to enforce rigorous measures of retaliation, a policy in which, as there was every reason to believe, the Administration sympathized.

Mr. Ingalls said he understood from Mr. Frye's speech that the Committee on Foreign Relations intended by this Bill not to remit the subject to the domain of diplomacy, but to warn Great Britain that its course, if pursued, would result in war.

Mr. Edmunds took exception to this expression. He said that a breach of a Treaty might be the reason for reciprocal retaliatory measures, intended to bring the offending party to a sense of the inconvenience of such conduct, but it did not necessarily follow that every breach of a Treaty should be followed by actual hostilities.

Mr. Ingalls rejoined that if the purpose of the Bill was to apply the *lex talionis* it did not mean anything. The question must be decided by Treaty or by war.

Mr. Edmunds denied the truth of such an alternative. The Canadians had infringed the Treaty. The United States had recourse to retaliatory measures. The question was, Who could stand it best? He thought the United States could stand it best, and that Canada would be brought to reason.

Mr. Ingalls said that England had always been a ruffian, a coward, and a bully, that she had no purpose to secure a peaceful solution, but only to embitter the relations of the United States and Canada. He rejoiced in the interpretation of the Bill that it was a declaration to Great Britain that she would persist further at her peril.

Mr. Hoar dwelt on the absence of any explanation or apology for the various acts of violence committed by Great Britain. The Bill meant this, that so far from leading to a diminution of customs duties, such proceedings would entail the exclusion of Canadian fish from the United States' market.

Mr. Morgan said that, so far from this being a warlike measure, it was a measure to prevent war. If the troubles were allowed to go on, there would be war in them. Both countries should arm themselves with all powers of law to prevent a conflict.

Mr. Evarts said that the Bill would remove the question from "the threat of collision" by "taking the subject away from local disturbance, irritation, and resentment," and placing it "under the control of both Governments in a deliberate consideration of what should be done in order to have stability of intercourse between the two great nations."

Mr. Hale strongly supported the Bill as leading to a condition where, if further negotiations were desirable or practicable, the way would be cleared. Until the American Congress should send this note—not of menace, but of warning—to their Canadian neighbours these things would continue.

Mr. Vest pointed out that war would be the greatest calamity that could befall the two great English-speaking nations of the world. This commercial embargo was half-sister of war. In a maritime war who could answer for the result? It was an aspect of the question better suited to a Secret Session of the Senate. It should be remembered what was the result of the embargo on which Mr. Jefferson relied to prevent war with Great Britain. Still, he would vote for the Bill, as giving the President a discretionary power.

Mr. Gorman objected to the Bill as failing to strike at the only point in which Canada was vulnerable, that was the exclusion of its cars and engines by which its trade passed through United States' territory.

Mr. Riddleberger opposed the Bill because it was "in the nature of a Treaty with Great Britain. He wanted no Treaty."

Mr. Vest's amendment for the appointment of a Commissioner to take testimony in regard to losses and injuries inflicted on American fishermen was lost. Yeas, 17; Nay, 27.

The Bill was then passed.

Yeas, 46; Nay, 1 (Riddleberger).

No. 44.

Sir L. West to the Marquis of Salisbury.—(Received February 7.)

My Lord,

Washington, January 26, 1887.

WITH reference to my despatch of the 19th instant, I have the honour to transmit to you herewith copies of the Report of the Committee of the Senate on Foreign Relations

relative to the rights and interests of American fisheries and fishermen in British North America, as submitted by Mr. Edmunds on the 24th instant.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 44.

49th Congress, 2nd Session.—Report No. 1683.

IN THE SENATE OF THE UNITED STATES.

January 19, 1887.—Ordered to be printed.

MR. EDMUNDS, from the Committee on Foreign Relations, submitted the following:—

Report.

[To accompany Bill S. 3173.]

The Committee on Foreign Relations was at the last Session of the Senate instructed to make inquiry into the matter of the rights and interests of the American fisheries and fishermen by Resolution in the following words:—

“*Resolved*,—That the Committee on Foreign Relations be, and it hereby is, instructed to inquire into the rights of American fishing-vessels and merchant-vessels within the North American possessions of the Queen of Great Britain, and whether any rights of such vessels have been violated, and if so, to what extent; that said Committee report upon the subject, and report whether any and what steps are necessary to be taken by Congress to insure the protection and vindication of the rights of citizens of the United States in the premises; that said Committee have power to send for persons and papers, to employ a stenographer, and to sit during the recess of the Senate, either as a full Committee or by any Sub-Committee thereof, and that any such Sub-Committee shall for the purposes of such investigation be a Committee of the Senate to all intents and purposes.

“*Resolved*,—That the necessary expenses of said Committee in said investigation be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate, upon vouchers to be approved by the Chairman thereof.”

Pursuant to this authority the Committee has proceeded to make the inquiries directed by the Senate, so far as it was practicable to do during the vacation, and has taken a considerable amount of testimony which the Committee believes to be of much value and importance to a proper understanding of the difficulties that have arisen between citizens of the United States and the authority of Her Majesty's dominions in North America, and which also, as the Committee thinks, bears upon other questions of public policy that can be readily understood by those reading this testimony.

The questions touching the right of our citizens engaged either in the operations of fishing or commerce in the North American waters contiguous to Her Majesty's dominions depend, of course, not only upon public law, but upon the Conventional arrangements that have hitherto been entered into between the United States and Her Britannic Majesty's Government.

Without going into a general review of the discussions that have in former years taken place concerning these matters, it is, as the Committee thinks, sufficient to now treat these questions as they are affected by the principles of public law, and by the presently existing Treaty between the United States and Great Britain bearing upon the subject.

This Treaty was concluded in the year 1818. To understand its just and true application it is perhaps proper to refer, by way of inducement, to the state of things theretofore existing.

The Treaty of Peace concluded at the end of the Revolutionary war, which acknowledged the independence of the United States, provided in its IIIrd Article that the people of the United States “shall continue to enjoy unmolested the right to take fish

of every kind on the Grand Bank, and on all the other Banks of Newfoundland ; also in the Gulf of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island, and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America ; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled ; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

This Article, it will be observed, recognized an existing right and practice in respect of American fishermen exercising their calling not only at sea on the Banks of Newfoundland, but in all places in the sea, within what would be strictly British waters. And it will be observed also that this Treaty said nothing on the subject of commercial intercourse between the people of the United States and those of the British provinces.

The next Treaty was that of 1794, by the IIIrd Article of which it was provided as follows :—

"It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of said boundary-line (being the land boundary-line between the United States and the British provinces of North America), freely to pass and repass, by land or inland navigation, into the respective countries of the two parties, on the Continent of America (the country within the limits of the Hudson Bay Company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this Article does not extend to the admission of vessels of the United States into the sea-ports, harbours, bays, or creeks of His Majesty's said territories ; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading *bond fide* between Montreal and Quebec, under such Regulations as shall be established to prevent the possibility of any frauds in this respect ; nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea."

A later Article in the Treaty of 1794 (Article XII) provided that for a limited period, named in the Treaty, citizens of the United States might engage in carrying trade to any of His Majesty's islands and ports in the West Indies under certain conditions named. A later Article (Article XIII) provided that vessels belonging to citizens of the United States should be admitted into all the sea-ports and harbours of the British territories in the East Indies, &c. A later Article (Article XIV) provided that there should be between the dominions of His Majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation, &c. Another Article (Article XIII) provided for admitting American vessels in distress into all of His Majesty's ports on manifesting its necessity to the satisfaction of the Government of the place.

So far as the present question is concerned the foregoing represents the state of the Treaty arrangements between the United States and Great Britain down to the close of the war of 1812. By the Treaty of 1815, following the Treaty of Peace of 1814, it was provided in Article I that there should be between the territories of the United States and all the territories of His Britannic Majesty in Europe reciprocal liberty of commerce, &c.

In a later Article of the same Treaty (Article II) it was provided that the intercourse between the United States and His Majesty's possessions in the West Indies and on the Continent of North America should not be affected by any of the provisions of that Article, but that each party should remain in complete possession of its rights with respect of such intercourse.

No other Article of the Treaty touched the question of intercourse between the United States and His Majesty's dominions in North America.

The next Treaty bearing upon the present question was that of 1818, which is now understood to regulate, so far as it goes, fishing interests of whatever kind of the citizens of the United States in the territorial waters of the British dominions in North America.

All of this Treaty that bears directly upon the present subject is contained in Article I, which is in the following words :—

"Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of his Britannic Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company: And that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits: Provided, however, that the American fishermen shall be permitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

This Article sets out with stating the precise subject with which it has to deal, viz., that differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America.

Thus it will be seen that the matter to be dealt with was a claim in favour of the inhabitants of the United States to do certain things within the territorial dominion of His Majesty, and not a matter touching the right of the inhabitants of the United States to cruise, fish, or do any other thing in waters that by the public law of nations did not belong to the territorial jurisdiction of His Majesty. The matter to be dealt with being, then, simply that affecting American fishermen coming within the territorial dominion of His Majesty, it was provided that Americans might fish on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; and on the western and northern coast of Newfoundland from said Cape Ray to the Quirpon Islands and on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen should have the liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador, subject to non-interference with settlers, &c.

And by the same Article the United States renounced any liberty "to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, and of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them."

The Committee is of opinion, in view of this history and of the plain language above quoted, that this Article was intended to deal, and did deal, only with the subject of the admission of American fishermen within the territorial jurisdiction of His Britannic Majesty, as defined by the public law of nations.

The first question for consideration, then, is whether the pretension that has been sometimes asserted by the Government of Great Britain, that American fishing-vessels or others have no right, except at the pleasure of the British Government, to be in or to prosecute lawful pursuits in the great arms of the sea extending between parts of the

mainland belonging to the British, and which are more than 6 marine miles broad, is well founded.

The Committee cannot doubt that any such pretension is ill founded. It is plain that such a pretension is an invasion of the principles of public law now almost universally recognized by all civilized Powers, and one which, it is believed, the British Government would be indisposed to accede to when applied as against its subjects. It would seem to be clear that by the universally recognized public law among civilized nations, territorial jurisdiction of every nation along the sea is limited to 3 marine miles from its coasts, as they may happen to be, whether embracing long lines of open coast or embracing great curvatures of sea-shore, which may, and often do, almost surround vast bodies of the waters of the ocean. The phrase of the Treaty, therefore, speaking of bays, creeks, and harbours of His Britannic Majesty's dominions, must be understood as being such bays, creeks, and harbours as by the public law of nations were and are within the territorial jurisdiction of the British Government. The Committee is therefore clear in its opinion that any pretension that exclusive British jurisdiction exists, either by force of public law or of this Treaty, within headlands embracing such great bodies of water, and more than 6 marine miles broad, must be quite untenable.

Another question may arise in respect of whether American fishing-vessels or other American vessels may lawfully traverse the Gut of Canso (a narrow strait connecting the waters of the Atlantic on the south-east of Nova Scotia and Cape Breton with the waters of the Gulf of St. Lawrence on the north-west). This strait is a few miles long, and much less in some of its parts than 6 miles wide. It is naturally navigable for sea-going vessels, and always has been navigated and used for the passage of vessels from the southward into the Gulf of Saint Lawrence, and back again southward by vessels finding it convenient so to use it.

The Committee is of opinion that, in the absence of special Treaty arrangements, such straits as the Gut of Canso are free for public and peaceable navigation in the same manner that the seas which they connect are. A comparatively recent and notable instance of the application of this principle is found in the case of the Simonoeki Strait, in Japan, connecting the Corean Channel, to the north-west of Japan, with the Pacific Ocean on the south-east. This strait at one of its points is very much less than 3 miles in width; and the passage of mercantile vessels of the United States, Great Britain, France, and the Netherlands having been interrupted there by Japanese batteries, &c., Japan was compelled by these four Governments to make reparation, after both British and American vessels of war had forcibly destroyed the Japanese batteries.

Of course, the right of peaceful passage through the Gut of Canso by unarmed vessels is entirely distinct from any right to fish or do any other thing there than merely to pass through. And if, in such an instance, a purely fishing vessel of the United States, having no other character whatever, should wish to pass through that strait from one part of the sea to another, it is presumed that it would hardly be insisted by the British Government that such a passage for such a purpose was prohibited by the 1st Article of the Treaty of 1818, which, as we have before stated, was applicable only to the matter of taking fish, &c., on the specified coasts, and to the prohibition of American fishermen, as such, to enter the British bays or harbours for any other purposes than those of shelter, repairing damages, purchasing wood, and obtaining water. The general right of passage for all vessels entitled to sail the seas was not in any way mentioned, and it must be presumed it was not intended by the language used in the Treaty to limit or modify such rights.

On the termination of the Reciprocity Treaty of 1854 the fishermen of the United States were remitted to the 1st Article of the Treaty of 1818, already cited, for the definition and regulation of their rights in the British waters therein mentioned. Between the period of the termination of the Treaty of 1854 (namely, 1866) and the Treaty of 1871 some considerable difficulty and discussion took place concerning the question whether the 3-mile line should be ascertained by drawing the same from headland to headland (as across the Bay of Fundy and the Bay Chaleur), or whether it should be drawn 3 miles from the actual shores of such bays and headlands. The general result of those discussions would seem to have been an acquiescence by the British Government in the right of American fishermen to fish within those bays and exterior to a line 3 miles from the shores. By the Treaty of 1871 it was agreed that the fishermen of the United States should have the right to fish inshore under certain limitations therein stated. This last Treaty was terminated through the action of the United States on the 1st day of July, 1885, and the 1st Article of the Treaty of 1818 again came into operation.

Concluding, then, from what has been before stated, that there is no serious

difficulty in respect of the question where American fishermen can carry on their operations, it would seem to be easy to know precisely what our fishermen may and may not do in the territorial waters adjacent to the British dominions.

What they may do may be stated as follows :—

1. They have the liberty to take fish “on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands.”

2. They have the right to take fish “on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands.”

3. Also “on the shores of the Magdalen Islands.”

4. Also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast,” subject to any exclusive rights of the Hudson Bay Company.

5. The right “to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland,” before described, and of the coast of Labrador, without interfering with the rights of settlers, &c.

6. The right of American fishermen in their character as such to enter the bays and harbours of Great Britain in America for the purpose (a) of shelter, (b) of repairing damages, (c) of purchasing wood, (d) of obtaining water, and for no other purpose whatever.

But they are to be under such restrictions in respect of their entry into bays and harbours where they are not entitled to fish “as may be necessary to prevent their taking and drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.”

The things that by this Article American fishermen must not do are :—

1. Fish within 3 miles of any of the shores of the British dominions, excepting those specially above named.

2. Enter within this 3-mile limit except for the purposes last stated.

The American fishermen, in their character as such purely, must not enter the prohibited waters other than for the purposes of shelter, repairing damages, purchasing wood, and obtaining water; and in doing this they are subject to such reasonable restrictions as shall be necessary to prevent their fishing or curing fish in prohibited waters or on prohibited shores, and thereby abusing the privilege of entering those waters for the necessary purposes stated.

What, then, are such necessary restrictions?

Following the Treaty of 1818, Great Britain passed the Act of the 14th June, 1819 (59 Geo. III, cap. 38), on the subject of American fishing and other vessels within the waters of the British dominions in North America, which provided—

1. That the British King might make such Orders in Council, either directly or through the Governor of Newfoundland or others, as should be deemed proper and necessary for carrying into effect the purposes of the Fishery Article of that Treaty.

2. A prohibition and punishment of fishing, &c., within the 3-mile limit, other than the coasts in respect of which the Treaty provided that Americans might fish.

3. Forfeiture of vessels, &c., found fishing, &c., within the prohibited limits. This forfeiture was to be enforced in the ordinary course, as in the case of forfeitures under the Revenue Laws.

4. That American fishermen might enter any of the bays and harbours of the British dominions in America for the purposes named in the Treaty, subject to such restrictions for preventing abuse of that privilege as His Majesty, or the Governor, or person exercising the office of Governor in any part of the British dominions in America, might make.

5. That if any person should refuse to depart from such bays, &c., on the requirement of the Governor, &c., or neglect to conform to any of the Regulations so made, he should be punished by a fine of 200*l*.

The next Legislative Act touching American fishermen appears to be the Act of Prince Edward's Island of the 3rd September, 1844, which provided that the officers of Her Majesty's Customs, &c., or any person specially holding a commission for that purpose, should have authority to go on board any ship, vessel, or boat, within any port, bay, creek, or harbour in that island, or “hovering” within 3 marine miles of any of the coasts, bays, &c., thereof; and in either case freely to stay on board such ship, vessel, or boat as long as she shall remain within such port or distance; and if any such ship, vessel, or boat be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for any of the above-enumerated officers, &c., to bring such ship, &c., into port, and to

search and examine her cargo, and examine the master upon oath touching the cargo and voyage; and if there be any goods on board prohibited to be imported into this island, such ship, &c., and the cargo laden on board thereof, shall be forfeited; and if said ship, &c., shall be foreign, and not navigated according to the laws of Great Britain and Ireland, and shall have been found fishing, or preparing to fish, or to have been fishing, within such distance of such coasts, bays, creeks, or harbours of this island, such ship, &c., and its cargo shall be forfeited; and if the master or any person in command thereof shall not truly answer the question which shall be demanded of him in such examination, he shall forfeit the sum of 100*l*.

The Act then provides for the methods of investigation, condemnation, &c.

The Revised Statutes of Nova Scotia of 1851, chapter 94 (which may have re-enacted some earlier Act), provided—

1. That officers of the Colonial Revenue, Sheriffs, Magistrates, or any other person duly commissioned for that purpose, “may go on board any vessel or boat within any harbour in the province, or hovering within 3 marine miles of any of the coasts or harbours thereof, and stay on board so long as she may remain within such place or distance.”

2. That “if such vessel or boat be bound elsewhere, and shall continue within such harbour or so hovering for twenty-four hours after the master shall have been required to depart, any one of the officers above mentioned may bring such vessel or boat into port and search her cargo, and also examine the master upon oath touching the cargo and voyage; and if the master or person in command shall not truly answer the questions demanded of him in the examination he shall forfeit 100*l*.; and if there be any prohibited goods on board, then such vessel or boat, with the cargo thereof, shall be forfeited.”

3. That “if the vessel or boat shall be foreign, and not navigated according to the laws of Great Britain and Ireland, and shall have been found fishing, or preparing to fish, or to have been fishing, within 3 marine miles of such coasts or harbours, such vessel or boat, or cargo, shall be forfeited.”

It then provides for the method of procedure, &c. This provision was re-enacted in the Revised Statutes of Nova Scotia by the Provincial Act of the 7th May, 1858. This re-enactment contained in its 22nd section of Title 25, Chapter 94, a provision suspending those parts of it relating to American fishing-vessels during the continuance of the Treaty of Reciprocity of 1854.

The Committee has not been able to discover any Orders in Council made by the British King, as authorized by the Act (59 Geo. III, cap. 58); and so far as we have been able to examine, the regulation of the entrance of American fishermen within the limits wherein they were not entitled to fish has been made by Colonial Statutes such as have been above recited. That of Prince Edward's Island of 1843 (6 Vict., cap. 14) the Committee thinks fairly illustrates the nature of legislative Regulations on the subject down to the Reciprocity Treaty of 1854, and so, in effect, until the expiration of that Treaty in 1866. This Act provided—

1. Proper officers were authorized to go and remain on board an American fishing-vessel during her continuance within the waters where she was not entitled to fish.

2. If the vessel was bound elsewhere, and should continue hovering within the 3-mile limit for twenty-four hours after she had been required to depart, then the officer might take her into port, search her cargo, examine the master, &c.

3. If, on such examination, any goods should be found prohibited to be imported into the island, there should be a forfeiture.

4. If the vessel should have been found fishing, or preparing to fish, or to have been fishing, in prohibited waters, a forfeiture should follow.

It will be seen that this provision carefully excludes the right to seize and proceed against an American fishing-vessel that had come within British waters, where fishing was not allowed, for the purposes named in the Treaty, and only authorized British officers to require the vessel to depart if, instead of coming into a bay or roadstead and coming to anchor, she was “hovering” on the coast and within the prohibited limits, and provided for her forfeiture when so “hovering” only upon its being discovered, on an examination, that she had contraband goods on board, or had been violating the provisions of the Treaty by abusing the privilege of her entrance and shelter by fishing, &c. And in all these cases the ordinary modes of judicial investigation and fair play were provided for, except—

(a.) That the burden of proof was thrown on the claimant of the vessel in case of dispute as to whether the seizure had been lawful;

(b.) That no suit should be brought for an illegal seizure until one month after

notice in writing had been served on the seizing officer of an intention to sue, and the grounds of action;

(c.) And, further, that a Statute of Limitations, in respect of all such illegal seizures, of three months only, was provided.

The Committee does not see any just ground of criticism of those parts of this Act that relate to the conduct of American fishing-vessels coming within waters where fishing was prohibited; but when it comes to the matter of just and reasonable judicial determination of any question arising, the Committee does think that the methods and limitations of procedure were harsh and unjust, and beyond the right of the British Government to provide, under its authority by the Treaty to make only such restrictions as should be necessary to prevent the abuse by the American fishermen of their right to enter non-fishing waters.

But the foregoing species of legislation has been considerably improved upon, in an unjust direction, by the Dominion Act of the 22nd May, 1868 (31 Vict., cap. 61), which authorized the officials to require any vessel which was not hovering on the coast, but which had come within a harbour, to depart from such harbour on twenty-four hours' notice, and, on failure of such departure, to bring her into port for that mere cause, and without any suspicion or ground of suspicion that she had violated, or intended to violate, either the Treaty or the laws of Canada, and without any limitation as to the length of time she might be detained in port, or any security for just and fair treatment of the American fishing-vessel which might have sought shelter in such harbour, or come there for any of the lawful causes named in the Treaty.

It also provided for punishing the master if he failed to answer any question put to him touching the cargo or voyage.

It also provided that the consent of the seizing person should be necessary in order to enable the Judge of the Admiralty Court to release the vessel on proper security.

It also, as in the case of the former Act, put the burden of proving innocence on the claimant.

It also provided that no suit should be brought for any illegal conduct of those officers until after a month's notice in writing, and that the notice should contain the cause of action.

It also provided that "no evidence of any cause of action shall be produced except such as shall be contained in such notice."

It also provided that every such action should be brought within three months after the cause of action had arisen.

It also provided that if, in any such suit, judgment should be given against the seizing person, and there should be a certificate of probable cause, then the plaintiff should only recover $3\frac{1}{2}$ cents damages and no costs, and that no fine beyond 20 cents should be imposed upon the respondent.

On the 12th May, 1870, the Dominion Act of 33 Vict., cap. 15, was passed, repealing the 3rd section of the last-mentioned Act on the subject of bringing vessels into port, &c., and provided, in lieu thereof, that any of the officers or persons before mentioned might bring any vessel, being within any harbour in Canada, or hovering in British waters within 3 miles of the coast, into port, search her cargo, examine her master on oath, &c., without any previous notice to depart, which had been required by the former Act. So that an American vessel, fishing at sea, being driven by stress of weather, want of wood or water, or need of repairing damages, which should run into a Canadian harbour, under the right reserved to it by the Treaty of 1818, the moment her anchor was dropped or she was within the shelter of a headland, was, at the discretion of the Canadian official, to be immediately seized and carried into port, which might be, and often would be, many miles from the place where she would have her safe shelter or could obtain her wood and water or repair her damages.

The Committee thinks it is not too much to say that such a provision is, in view of the Treaty, and of the common principles of comity among nations, grossly in violation of rights secured by the Treaty and of that friendly conduct of good neighbourhood that should exist between civilized nations holding relations such as ought to exist between the United States and Her Majesty's dominions.

This last provision was substantially re-enacted, with the Royal approval of the Queen, given on the 26th November, 1886, with the addition that if any such vessel had entered such waters for any purpose not permitted by Treaty or Convention, or by any law of the United Kingdom or Canada for the time being in force, she should be forfeited, &c.

From all this it would seem that it is the deliberate purpose of the British

Government to leave it to the individual discretion of each one of the numerous subordinate Magistrates, Fishery Officers, and Customs Officers of the Dominion of Canada to seize and bring into port any American vessels, whether fishing or other, that he finds within any harbour in Canada or hovering within Canadian waters. The Statute does not even except those Canadian waters in which, along a large part of the southern coast and the whole of the western coast of Newfoundland, they are entitled to fish, to say nothing of the vast extent of the continental coast of Canada.

The Committee repeats its expression of the firm opinion that this legislation is in violation of the Treaty of 1818, as it respects American fishing-vessels, and in violation of the principles of comity and good neighbourhood that ought to exist in respect of commercial intercourse, or the coming of the vessels of either, having any commercial character, within the waters of the other. Had it been intended to harass and embarrass American fishing and other vessels, and to make it impracticable for them to enjoy their Treaty and other common rights, such legislation would have been perfectly adapted to that end.

The instances in which this sort of legislation has been applied during the last year, to the great embarrassment and injury of American rights and interests—although in some of them it may doubtless appear that there has been some merely formal or technical violation of some Canadian Customs Statute or Regulation—are the following:—

Vessels denied the Right or Privilege of purchasing Coal or Ice or of transshipping Fish at Ports of the Dominion, or refused other Rights or Privileges therein.

- “Novelty” (steam-ship) denied the right to take in coal, or purchase ice, or tranship fish in bond to the United States, at Pictou, N. S., July, 1886. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 24-25, 49-50-51. This Rep., 3, 15, 105, 106.)
- “Golden Hind,” of Gloucester, Mass., was refused the right to take water in Port Daniel, Bay of Chaleur, July 23, 1886. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 43, 47, 192-193. This Rep., 162.)
- “Mollie Adams,” of Gloucester, Mass., Solomon Jacobs, master; his water supply having become exhausted by accident, Captain Jacobs put into Port Mulgrave, N.S., on the 31st August, 1886, to replenish the same, but was refused the privilege of buying barrels, and notified that if he did purchase barrels his vessel would be seized. A serious loss was occasioned through this action. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 45-46, 61-63. This Rep., 88, 146.)
- “A. R. Crittenden,” of Gloucester, Mass., Joseph E. Graham, master. Stopped at Steep Creek, Strait of Canso, July 21, 1886, homeward bound from the open-sea fishing grounds to obtain supply of water, which was refused, the Customs officer notifying Captain Graham that if he took in water his vessel would be seized. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 47, 48, 152. This Rep., 153, 196.)
- “Pearl Nelson,” of Provincetown, Mass., Murdock Kemp, master. Was seized in the harbour of Arichat, N. S., September 8, 1886, and compelled to pay commercial fees, but was denied privileges which such fees are paid to secure. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 54-61, 193-197. This Rep., 54, 66.)
- Laura Sayward,” of Gloucester, Mass., Medo Rose, master. Was, on the 6th October, 1886, while in the port of Shelburne, N. S., refused permission to buy provisions, &c., sufficient to last the crew on the homeward trip of the vessel; the vessel's papers were retained by the Collector for an undue length of time, &c. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 58-59.)
- “Jeannie Seaverns, of Gloucester, Mass., Joseph Tupper, master. While in the port of Liverpool, N. S. Captain Quigley, of the Dominion cruiser “Terror,” prevented Captain Tupper from landing to visit relatives in Liverpool, and forbade Captain Tupper's relatives from going on board the “Jeannie Seaverns,” placing a guard aboard of her while she was in that port. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 58-59, and 60)
- “Jeannie and Julia,” of Eastport, Me., W. H. Farris, master. While in Digby Harbour, N. S., April (?) 18, 1886, was denied the privilege of buying herring. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 169-170.)
- “James A. Garfield,” threatened with seizure on opportunity; charged with having

purchased bait or ice in Dominion port or ports. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, p. 171.)

"Abbie A. Snow," of Gloucester, Mass., Jeremiah Hopkins, master. Subjected to constant surveillance in harbour at Shelburne, N. S., by Captain Quigley, of Dominion cruiser "Terror," who finally boarded her with an armed guard, took Captain Hopkins ashore under armed guard, and threatened him with trouble if he revisited Shelburne. (This Rep., pp. 135-136, 138.)

"Highland Light," of Provincetown, Mass. Seized off the north-east point of Prince Edward Island for catching fish within 3-mile limit. (This Rep., pp. 34, 153.)

"Eliza A. Thoms," of Portland, Me., having gone ashore at Malpeque, laden with a fare of fish, the owners were not permitted to ship home either the fish, boats, or seines by vessels, but were, after delay, compelled to ship them by rail. (This Rep., pp. 259-260.)

Vessels seized by Canadian Authorities on the charge of violating the Fishery Regulations of the Dominion.

"David J. Adams," owned at Newburyport, Mass.; Aldon Kinney, master. Seized at Digby, N. S., May 7, 1886. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 6, 13, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 140, 141, 142, 148, 149, 150, 164, 168, 176, 177, 178, *et seq.* This Rep., p. 151.)

"Ella M. Doughty," owned at Kennebunk, Me.; Warren A. Doughty, master. Seized at Englishtown, C. B., May 17, 1886. Released June 19, 1886; bail, 3,400 dollars. Proceedings for remission. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 141, 142, 143, 144, 145, 146. This Rep., 255.)

"City Point," owned at Booth Bay, Me.; Stephen Keene, master. Seized at Shelburne, N. S., July 3, 1886. Released on payment of 400 dollars, alleged fine. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 44, 178, 193. This Rep., 238.)

"George W. Cushing," owned at Bath, Me.; C. B. Jewett, master. Seized at Shelburne, N. S., July 3, 1886. Released on payment of 400 dollars, alleged fine. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 142, 178, 182, 184. This Rep., 262.)

"C. B. Harrington," owned at Portland, Me.; John Frelick, master. Seized at Shelburne, N. S., July 3, 1886. Released on payment of 400 dollars, alleged fine. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session. This Rep., 262.)

Vessels seized by the Canadian Authorities on the charge of violating Commercial or Trading Laws or Regulations of the Dominion.

"W. D. Daisley," of Gloucester, Mass. Seized at Souris, October 1886, on the charge that one of the crew had landed flour at Canso in the previous August. (This Rep., p. 197.)

"The Druid," of Gloucester, Mass.; John McQuinn, master. Sailing under register to buy fish, not to catch, and having on board no apparatus for fishing, was twice boarded by the Captain of the Dominion cruiser "Houlette," with armed men, and once detained two nights and a day under armed guard at Malpeque on a charge of technical violation of Customs Regulations; subsequently released. (This Rep., pp. 129-132.)

"Moro Castle," of Gloucester, Mass.; Edwin Joyce, master. Seized at Port Mulgrave, in the Strait of Canso, September 11, 1886; stripped and held for an offence alleged to have been committed in 1884. (This Rep., p. 217, *et seq.*)

Vessels detained by Canadian Authorities on the charge of violation of Fishery or Trading Regulations of the Dominion of Canada.

"Joseph Story," owned at Essex, Mass. Seized at Baddek, Cape Breton, April 24, 1886; released April 25, 1886. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session.)

"Matthew Keany," owned at Bath, Me. Detained twenty-four hours. (Sen. Ex. Doc. No. 217, Forty-ninth Congress, first session.)

"Hereward," owned at Essex, Mass.; McDonald, master. Seized July 3, 1886, at Canso.

(Sen. Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, p. 190).

- "Everett Steele," of Gloucester, Mass.; Charles E. Forbes, master. Detained in the port of Shelburne, N. S., 10th September, 1886, by Captain Quigley, of the "Terror," who boarded the "Steele," took her papers, and put her in charge of a policeman till the following day, when she was discharged by the Collector. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 52, 53, 54, 56, 153. This Rep., 216.)

Vessels warned off by Canadian Authorities on the ground that they were about to violate the Fishery or Trading Laws or Regulations of the Dominion.

- "Annie M. (or H.) Jordan," of Gloucester, Mass., was refused entry at the port of St. Andrews, N. B., although licensed to touch and trade. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 15, 171-172, 175-176. This Rep., 163.)
- "Martha A. Bradley," "Rattler," "Eliza Boynton," and "Pioneer," of Gloucester, Mass., were warned by the Sub-Collector of Customs at Canso to keep outside an imaginary line drawn from a point 3 miles outside Canso Head to a point outside St. Esprit, on the Cape Breton coast, a distance of 40 miles. This line, for nearly its entire continuance, is distant 12 to 25 miles from the coast. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 16, 42, 44, 48-49, 56-57, 120-123, 190-191. This Rep., 153, 195.)
- "Thomas F. Bayard," of Gloucester, Mass.; James McDonald, master. Warned off by Customs officials at Bonne Bay, Newfoundland, July 12, 1886. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 26-27, 46-47, 146-147, 150-151, 187-189.)
- "Mascot," of Gloucester, Mass.; Alexander McEachern, master. Warned by Customs officials at Port Amherst, Magdalen Islands, June 10, 1886, that if fresh bait was purchased vessel would be seized. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 46-47, 118-119-120, 146-147, 150-152.)

Vessels subjected to Hostile Treatment by Dominion Officials.

- The "Shiloh" and the "Julia Ellen." While these vessels were entering the harbour of Liverpool, N. S., Captain Quigley, of the Canadian cruiser "Terror," fired a gun across their bows to hasten their coming to, and placed a guard of two armed men on board each vessel, which guard remained on board until the vessels left the harbour. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 44, 122-123. This Rep., 168.)
- "Marion Grimes," of Gloucester, Mass.; Alexander Landry, master. Was in port of Shelburne, N. S., October 11, 1886, under detention for alleged infraction of Customs Regulations, and while so there Captain Quigley, of the Dominion cruiser "Terror," compelled Captain Landry to haul down his (the United States') flag; upon its being run up a second time, Captain Quigley went on board the "Grimes" and hauled the flag down with his own hands. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 124-125, 153-163.)

It will be seen, from the correspondence and papers submitted by the President, in his Message on the subject of the 8th December last (Ex. Doc. No. 19, Forty-ninth Congress, second session), and from the testimony taken by the Committee, that some of these instances of seizure or detention, or of driving vessels away by threats, &c., were in clear violation of the Treaty of 1818, and that others were on such slender and technical grounds, either as applied to fishing rights or commercial rights, as to make it impossible to believe that they were made with the large and just object of protecting substantial rights against real and substantial invasion, but must have been made either under the stimulus of the cupidity of the seizing officer, sharpened and made safe by the extraordinary legislation to which the Committee has referred, whereby the seizing officer, no matter how unjust or illegal his procedure may have been, is made practically secure from the necessity of making substantial redress to the party wronged, or of punishment, or else they must have arisen from a systematic disposition on the part of the Dominion authorities to vex and harass American fishing and other vessels so as to produce such a state of embarrassment and inconvenience with respect to intercourse

with the provinces as to coerce the United States into arrangements of general reciprocity with the Dominion.

In respect of general reciprocity, the experience of the United States during the existence of the Treaty of 1854 was such as to lead Congress, with great unanimity, to terminate it; and the experience of the United States, under such so-called reciprocity as was provided for by the Treaty of 1871, was such as to lead both Houses, with very great unanimity, to terminate that. Each of these instances continued long enough to show fully the general working of the arrangement. The great balance of gain and advantage appeared to be in favour of the Canadians, while the great balance of loss and disadvantage fell on the people of the United States.

Indeed, the Treaty of 1871, so far as it related to the fisheries, &c., was based upon the idea that the right of American fishermen to fish within 3 miles of the Dominion shores was of some considerable value, which the United States thought would be fully compensated by admitting Dominion fishermen to the waters of the United States and admitting their fish free of duty. Notwithstanding this, by the methods and results of settling the balance of pecuniary advantages by the Halifax Commission, the United States paid on the award of that Commission (waiving the serious question of its irregularity) 5,500,000 dollars. So strong was the opinion of the United States, even at that time, that this award was wholly unjust in fact that it is understood that steps were taken to invite the British Government to terminate the Fisheries Clauses of the Treaty of 1871 immediately and before the positive period of ten years had expired, but it could not be accomplished.

From the investigations made by the Committee during the last summer and fall, and as the result of the great mass of testimony taken by it and herewith returned, the Committee believe it to be clear, beyond all dispute, that the right to fish within 3 miles of the Dominion shores is of no practical advantage whatever to American fishermen. The cod and halibut fishing has been for many years almost entirely carried on at long distances from the shores, in the deep waters, on banks, &c.; and it is believed that were there absolute liberty for Americans to fish, without restriction or regulation of any kind, within 3 miles of the Dominion shores, no such fisherman would ever think of going there for the purpose of catching cod or halibut.

As regards the obtaining of bait for this class of fishing, the testimony taken by the Committee in its inquiries clearly demonstrates that there is no necessity whatever for American fishermen to resort to Canadian waters for that purpose. Clam bait is found in immense quantities in our own waters, and there have been instances, so frequent and continuous as to amount to a habit, of the Canadians themselves resorting to American waters or ports for the purpose of obtaining it. The squid bait is found on the very banks where the fishing goes on. So that the instances would be extremely rare when any American fishing-vessel would wish to resort to a Dominion port for the purpose of buying bait for this kind of fishing.

It was also proved before the Committee that, with the rarest exception, it would be absolutely injurious to the pecuniary interests of all concerned for American vessels to resort to Dominion ports or waters, except in need or distress, for the time taken in such departures from the cod and halibut grounds, or from direct sailing to and from them, is so great that, with or without the difference of port expenses, time and money are both lost in such visits.

In respect of the mackerel fishery the Committee finds, as will be seen from the evidence referred to, that its course and methods have of late years entirely changed. While it used to be carried on by vessels fishing with hook and line, and sometimes near the shores, it is now almost entirely carried on by the use of immense seines, called purse-seines, of great length and descending many fathoms into the water. This gear is very expensive, and a fishing-vessel does not usually carry more than one or two. The danger of fishing near the shore with such seines is so great, on account of striking rocks and reefs, that it is regarded as extremely hazardous ever to undertake it. Besides this, the large schools of mackerel, to the taking of which this great apparatus is best adapted, are almost always found more than 3 miles from land, either in great bays and gulfs, or entirely out at sea.

There will be found accompanying this Report (see Appendix) statements showing the total catch of mackerel during certain years, and the parts of the seas where they have been taken; and it will also be seen from the evidence that in general the mackerel fisheries by Americans in the Gulf of Saint Lawrence, and in the Bay of Chaleur have not been remunerative.

In view of all these facts, well known to the great body of the citizens of the United States engaged in fisheries, and embracing every variety of interest connected therewith,

from the wholesale dealer, vessel-owner, and outfitter, to that portion of the crew who receive the smallest share of the venture, it must be considered as conclusively established that there would be no material value whatever in the grant by the British Government to American fishermen of absolutely free fishing; and in this conclusion it will be seen, by a reference to the testimony, that all these interests fully concur.

It will also be noticed, on reference to the evidence, that it appears to show that when by force of the Treaty of 1871 Canadian fish, both salt and fresh, were admitted to the markets of the United States free of duty, no fall of prices to the consumer took place, and that the abrogation of the duty simply redounded to the advantage of the foreign fishermen or the foreign dealers in fish exporting the same to the United States; and that when, on the 1st July, 1885, the duty on salt fish was revived, no part of this duty was borne by the consumers in the United States, and that the cost of fish in the United States was not at all affected. It would follow that the sums received into the Treasury from these fish duties were paid and borne by the Canadians alone. A parallel instance is also found, on reference to the testimony, in the statements of gentlemen engaged in exporting salt fish from the United States to other countries where duties are imposed, these gentlemen stating that the duty thus imposed upon fish came out of their pockets, and not out of the pockets of the foreign consumers.

As regards commercial and other friendly business intercourse between ports and places in the Dominion and the United States, it is, of course, of much importance that Regulations affecting the same should be mutually reasonable and fairly administered. If an American vessel should happen to have caught a cargo of fish at sea 100 miles distant from some Canadian port, from which there is railway communication to the United States, and should be denied the privilege of landing and shipping its cargo therefrom to the United States, as the Canadians do, it would be, of course, a serious disadvantage, and there is, it is thought, nothing in the Treaty of 1818 which would warrant such an exclusion. But the Dominion laws may make such a distinction, and it is understood that, in fact, the privilege of so shipping fish from American vessels has been refused during the last year.

It is also inconvenient and injurious that American vessels of any character, whether engaged in fishing, or licensed to touch and trade, or purely mercantile vessels, should be unable in cases of occasional necessity to resort to Canadian ports for the purpose of buying supplies or any commodities that the ordinary laws of the Dominion allow to be exported at all. Several instances of such injurious and unfriendly action appear to have taken place.

The Treaties between the United States and Great Britain on the subject of intercommunication, and the rights of the citizens and subjects of the one in the ports and territories of the other have not included the British dominions of North America (with possibly certain exceptions as to intercourse by land), and such intercourse, strangely enough, still remains the subject of legislation merely in the two countries. Such legislation to be tolerable must be mutually friendly and reciprocal, and laws upon the subject must be administered fairly and generously, and not in a spirit of carping at small matters or in any other wise in an unfriendly way. The Committee is pained to believe that such has not been the course of British legislation or of administrative practice.

In view of all that has taken place, the Committee thinks it to be the duty of the United States, in a firm and just way, to protect and defend the just and common rights of the people of the United States, whether fishermen, or traders, or travellers, or all, by all such measures as may be within our power. The measures the Committee proposes to this end rest upon a principle universally recognized as right and necessary in the intercourse of nations, and it has often been resorted to in one form or another by many nations.

It is recommended that the President of the United States be invested with the power, and that it be made his duty, whenever he shall be satisfied that unjust, unfair, or unfriendly conduct is practised by the British Government in respect of our citizens and their property within the ports or waters of the British dominions in North America, to deny to the subjects of that Government in British North America and their property, or to any classes of them, such privileges in the waters and ports of the United States as he may think proper to name, and to suspend in respect of such vessels or classes of vessels or such property or classes of property of the subjects of such Government the right of entering or being brought within the waters or ports of the United States, so that he shall be able from time to time, as each emergency may arise, to preserve the intercourse between the United States and that Government in a state of fair equality. The Committee, therefore, recommends the passage of the Bill (S. 3173) herewith reported.

The Committee also recommends that the papers, documents, and maps herewith returned be printed.

All of which is respectfully submitted.

(Signed)

GEO. F. EDMUNDS,
For the Committee.

49th Congress, 2nd Session, S. 3173.

A Bill to authorize the President of the United States to protect and defend the Rights of American Fishing-vessels, American Fishermen, American Trading and other Vessels, in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that whenever the President of the United States shall be satisfied that American fishing-vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by Treaty or Law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, Regulations, or requirements in respect of such rights; or whenever the President of the United States shall be satisfied that any such fishing-vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same Regulations as may exist therein applicable to trading vessels of the most favoured nation, or shall be unjustly vexed or harassed in respect thereof, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favoured nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favoured nation, or unjustly vexed or harassed in respect of the same, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by Proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, if he think proper, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such Proclamation to any part or to all of the foregoing-named subjects, and may qualify, limit, and renew such Proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this Act. Every violation of any such Proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such Proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this Act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanour, and, on conviction thereof, shall be punished by a fine not exceeding 1,000 dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the Court.

Sir L. West to the Marquis of Salisbury.—(Received February 7.)

(Extract.)

My Lord,

Washington, January 27, 1887.

WITH reference to my despatch of the 25th January, I have the honour to add a précis of Senator Evarts' speech on the Fishery Bill. His contention is clearly put in so far as the nature of the Treaty of 1818 is concerned and the results of the interpretation of it, but he entirely ignores the persistent refusal of this Government, after the denunciation of the Treaty of 1854, to re-establish the commercial relations which existed under it, and which in fact were the outcome of the statutory legislation upon which he lays so much stress.

Inclosure in No. 45.

*Précis of Speech of Senator Evarts in the Debate in the Senate on the Fisheries Bill,
January 24, 1887.*

MR. EVARTS clearly establishes that the Treaty of 1818 is essentially a Fishery Treaty regulating the fisheries between the two countries, and that in the absence of a Treaty of Commerce, and after the denunciation of the Fishery Articles of the Treaty of 1871, the two countries were brought back to the interpretation of that of 1818.

The effect of the enforcement of the Regulations which Canada claims as a right under this Treaty has been to exclude American fishermen from what would be an ordinary suitable and necessary intercourse of comity in matters of commerce.

If such a construction of the Treaty is admitted, the remedy for the interruption of commerce which has taken place under it must be found in a modification or qualification of that Treaty by negotiation.

If this construction is not admitted, there can be no other ground for the interruption complained of, except under the claim that there is no Commercial Treaty which obliges Great Britain and her dependency in the Dominion to admit the commercial intercourse which has hitherto been carried on.

If, then, on that ground, and on that ground alone, this interference is based when taken by the Dominion authorities, the United States' Government has in its power, according to the same right and level of commercial claim, the same measure that Great Britain has. This action, he says, need not be called retaliatory—it is responsive. The first step in disturbing commerce was under the claim that there was no obligatory Treaty of Commerce that held the two countries to enjoy these privileges, and the same line is now taken by the United States' Government. This brings the dispute directly back to whether, under the construction of the Treaty of 1818, none of this disturbance, interruption, and interference on the part of the Dominion authorities can be justified. He did not, however, propose to debate that question. The settled opinion of the Government of the United States now is that the Treaty of 1818 is a Fishing Treaty, and not a Commercial Treaty at all. It is not a restriction of commerce, it is merely an enlargement of fishing rights.

He then goes on to explain that, by the progress of mutual advantage, interest, and good neighbourhood, a commercial intercourse was opened, not by Treaty, but by Statute Law on the one side and on the other, which permitted this reciprocal intercourse, and that it has been destroyed by a meaning attached to the Treaty of 1818 which has the actual and practical result on the part of Great Britain of exercising towards the commerce of the United States what is really an interruption of these interests. He denies that the Treaty of 1818 gives any right of interference with commercial relations, and he repeats that such right can only be based on having no Treaty commercially obliging this relation to be kept open. So long, therefore, as comity and courtesy, freedom of commercial intercourse are withheld, not under Treaty, but by positive law and authority, and only under positive law, the United States so respond by the present Bill.

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No. 46.

Sir L. West to the Marquis of Salisbury.—(Received February 10.)

My Lord,

Washington, January 28, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 13th instant, and to inform your Lordship that I have communicated copy of the Report by the Minister of Justice of the Dominion of Canada inclosed therein to the United States' Government.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

No. 47.

Sir L. West to the Marquis of Salisbury.—(Received February 15.)

My Lord,

Washington, January 28, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 11th instant, and to inform your Lordship that I have communicated copy of the despatch from the Governor-General of Canada, therein inclosed, relative to the cases of the American fishing-vessels "Pearl Nelson" and "Everett Steele," to the United States' Government.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

No. 48.

Sir L. West to the Marquis of Salisbury.—(Received February 15.)

My Lord,

Washington, January 28, 1887.

I HAVE the honour to inclose to your Lordship herewith copy of a note which I have received from the Secretary of State, as well as copy of an affidavit which accompanied it, asking for an investigation into the case of the American schooner "Sarah H. Prior," as therein set forth.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 1 in No. 48.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, January 27, 1887.

I HAVE the honour to inclose a copy of an affidavit of the captain and two members of the crew of the schooner "Sarah H. Prior," of Boston, stating the refusal of the captain of the Canadian Revenue cutter "Critic" to permit the restoration to the former vessel, in the port of Malpeque, Prince Edward Island, of her large seine, which she had lost at sea, and which had been found by the captain of a Canadian vessel who offered to return the seine to the "Prior," but was prevented from doing so by the captain of the "Critic."

This act of prevention, the reason for which is not disclosed, practically disabled the "Prior," and she was compelled to return home without having completed her voyage, and in debt.

I have the honour to ask that Her Majesty's Government cause investigation of this case to be made.

I have, &c.

(Signed)

T. F. BAYARD.

Inclosure 2 in No. 48.

Affidavit.

ON this 28th day of December, A.D. 1886, personally appeared before me Captain Thomas McLaughlin, master, and George F. Little and Charles Finnegan, two of the crew, of the schooner "Sarah H. Prior," of Boston, and being duly sworn, signed, and made oath to the following statement of facts:—

On the 10th September, 1886, the schooner "Sarah H. Prior," while running for Malpeque, Prince Edward Island, and about 7 miles from that port, lost her large seine. Four days afterwards the schooner "John Ingalls," of Halifax, Nova Scotia, Captain Wolfe, came into Malpeque and had the seine on board, which she had picked up at sea. Captain Wolfe offered to deliver the seine to Captain McLaughlin in consideration of 25 dollars, which offer was accepted, and paid him the money. The Canadian Revenue cutter "Critic," Captain McLearn, was lying at Malpeque at the time, and Captain MacLaughlin went to see him to ascertain if there would be any trouble in delivering the seine. Captain McLearn would not allow the captain of the "John Ingalls" to give up the seine, so the latter returned the 25 dollars to Captain McLaughlin.

The schooner "Sarah H. Prior" had two seines, one large and one small size. It was the large one which she lost and the schooner "John Ingalls" picked up. She had to leave Malpeque without it, and consequently came home with a broken voyage, and in debt.

(Signed) THOS. McLAUGHLIN.
GEORGE F. LITTLE.
CHARLES FINNEGAN.

Suffolk S. S., Boston, December 28, 1886.

Personally appeared before me Thomas McLaughlin, George F. Little, and Charles Finnegan, who signed and made oath that the foregoing statement was true.

(Signed) CHAS. H. HALLSTRAM, *Notary Public.*

No. 49.

Mr. Bramston to Sir J. Pauncefote.—(Received February 15.)

Sir,

Downing Street, February 15, 1887.

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding an approved Report of a Committee of the Privy Council of the Dominion, which contains the views of the Canadian Government in respect of the outline for an *ad interim* arrangement between the British and United States' Governments on the subject of the North American fisheries, communicated to the Foreign Office by the United States' Minister at this Court, and sent to this Department in your letter of the 9th December.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 49.

The Marquis of Lansdowne to the Secretary of State for the Colonies.

Sir,

Government House, Ottawa, February 1, 1887.

WITH reference to Mr. Stanhope's despatch of the 30th December last, transmitting a copy of a note from the United States' Minister in London, inclosing an outline for an *ad interim* arrangement between the British and United States' Governments on the subject of the North American fisheries, together with a copy of a despatch from Mr. Bayard containing some observations thereon, I have the honour to forward herewith a copy of an approved Report of a Committee of the Privy Council of Canada, containing the views of my Government on the subject.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 49.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 1st February, 1887.

THE Committee of the Privy Council have had under consideration a despatch dated 30th December, 1886, from the Right Honourable the Secretary of State for the Colonies, forwarding, for the information of the Canadian Government, a note received through the Foreign Office from the United States' Minister in London, inclosing a draft of a Memorandum for an arrangement between the British and United States' Governments on the subject of the North American fisheries, entitled, a "Proposal for the settlement of the questions in dispute in relation to the fisheries on the north-eastern coasts of British North America," accompanied by a despatch dated Washington, 15th November, 1886, from Mr. Bayard, United States' Secretary of State, containing some observations thereon. Mr. Secretary Stanhope requests your Excellency to obtain at the earliest possible moment from your Excellency's advisers their views on Mr. Bayard's proposals, and to report them to Her Majesty's Government.

The Minister of Marine and Fisheries, to whom the said despatch and inclosures have been referred, reports that Mr. Bayard suggests that as the season for taking mackerel has now closed, "a period of comparative serenity may be expected, of which advantage should be taken in order to adopt measures which will tend to make more harmonious the relations between Canada and the United States as regards the fisheries on the coasts of Canada."

The Minister observes that any indication of a disposition on the part of the United States' Government to make arrangements which might tend to put the affairs of the two countries on a basis more free from controversy and misunderstanding than at present exists must be hailed with satisfaction by the Government of Canada. It is to be regretted that the language in which Mr. Bayard refers to what has taken place during the past year indicates a disposition on his part to attribute to unfriendly motives the proceedings of the Canadian Government, and a tendency to misapprehend the character and scope of the measures which have been taken by it in order to enforce the terms of the Treaty of 1818, and to ensure respect for the municipal laws of the Dominion.

The Minister submits, therefore, that he cannot avoid protesting against such expressions in Mr. Bayard's letter as those in which he alludes to the proceedings of the last few months, as "the administration of a strained and vexatious construction of the Convention of 1818," as "unjust and unfriendly treatment by the local authorities," as "unwarranted interferences (frequently accompanied by rudeness and unnecessary demonstration of force) with the rights of United States' fishermen, guaranteed by express Treaty stipulations and secured to them by the Commercial Laws and Regulations of the two countries, and which are demanded by the laws of hospitality to which all friendly civilized nations owe allegiance," and as "conduct on the part of the Canadian officials which may endanger the peace of two kindred friendly nations."

The Minister has to observe again, what has frequently been stated in the negotiations on this subject, that nothing has been done on the part of the Canadian authorities since the termination of the Treaty of Washington in any such spirit as that which Mr. Bayard condemns, and that all that has been done with a view to the protection of the Canadian fisheries has been simply for the purpose of guarding the rights guaranteed to the people of Canada by the Convention of 1818, and to enforce the Statutes of Great Britain and of Canada in relation to the fisheries. It has been more than once pointed out in Reports already submitted by the Minister of Marine and Fisheries, that such Statutes are clearly within the powers of the respective Parliaments by which they were passed, and are in conformity with the Treaty of 1818, especially in view of the passage of the Treaty which provides that the American fishermen shall be under such restrictions as shall be necessary to prevent them from abusing the privileges thereby reserved to them.

The Minister has further to call the attention of your Excellency to the fact, that there is no foundation whatever for the following statement in the concluding part of Mr. Bayard's letter:—

"The numerous seizures made have been of vessels quietly at anchor in established ports of entry, under charges, which up to this day have not been particularized sufficiently to allow of intelligent defence; not one has been condemned after trial and hearing, but many have been fined, without hearing or judgment, for technical violation of alleged Commercial Regulations, although all commercial privileges have been simultaneously denied to them."

The Minister observes, in relation to this paragraph, that the seizures of which Mr. Bayard complains have been made under circumstances which have from time to time been fully reported to your Excellency and communicated to Her Majesty's Government, and upon grounds which have been distinctly and unequivocally stated in every case, that, although the nature of the charges has been invariably specified and duly announced, those charges have not in any case been answered; that ample opportunity has in every case been afforded for a defence to be submitted to the Executive authorities, but that no defence has been offered beyond the mere denial of the right of the Canadian Government, that the Courts of the various provinces have been open to the parties said to have been aggrieved, but that not one of them has resorted to those Courts for redress. To this it must be added that the illegal acts which are characterized by Mr. Bayard as "technical violations of alleged Commercial Regulations," involved breaches in most of the cases not denied by the persons who had committed them of established Commercial Regulations which, far from being specially directed or enforced against citizens of the United States, are obligatory upon all vessels (including those of Canada herself) which resort to the harbours of the British North American coast.

With regard to the proposal for a settlement which accompanies Mr. Bayard's letter, the Minister submits the following observations:—

Article 1. The Minister observes that, in referring to this Article, Mr. Bayard states that he is "encouraged in the expectation that the propositions embodied in the Memorandum will be acceptable to Her Majesty's Government, because, in the month of April 1866, Mr. Seward, then Secretary of State, sent forward to Mr. Adams, at that time United States' Minister in London, the draft of a Protocol which, in substance, coincides with the 1st Article of the proposal now submitted.

In regard to this statement, it is to be remarked that Article 1 of the Memorandum, although no doubt to some extent resembling the Protocol submitted in 1866 by Mr. Adams to Lord Clarendon, contains several most important departures from the terms of that Protocol. These departures consist not only in such comparatively unimportant alterations as the substitution in line 1 of the word "establish" for the word "define," without any apparent necessity for the change, and in other minor alterations of the text, but also in such grave changes as that which is involved in the interpolation in section 1 of the important passage in which it is stipulated "that the bays and harbours from which American vessels are in future to be excluded, save for the purposes for which entrance into bays and harbours is permitted by said Article, are hereby agreed to be taken to be such bays and harbours as are 10, or less than 10, miles in width, and the distance of 3 marine miles from such bays and harbours shall be measured from a straight line drawn across the bay or harbour in the part nearest the entrance at the first point where the width does not exceed 10 miles.

This provision would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada, and would make common fishing grounds of territorial waters which, by the law of nations, have been invariably regarded both in Great Britain and the United States as belonging to the adjacent country. In the case, for instance, of the Baie des Chaleurs, a peculiarly well-marked and almost land-locked indentation of the Canadian coast, the 10-mile line would be drawn from points in the heart of Canadian territory, and almost 70 miles distant from the natural entrance or mouth of the bay. This would be done in spite of the fact that, both by Imperial legislation and by judicial interpretation, this bay has been declared to form a part of the territory of Canada. (See Imperial Statute, 14 & 15 Vict., cap. 63; and "*Mouat v. McPhee*," 5 Sup. Court of Canada Reports, p. 66.)

The Convention with France in 1839, and similar Conventions with other European Powers, although cited by Mr. Bayard as sufficient precedents for the adoption of a 10-mile limit, do not, the Minister submits, carry out his reasoning. Those Conventions were doubtless passed with a view to the geographical peculiarities of the coasts to which they related. They had for their object the definition of boundary lines, which, owing to the configuration of the coast, perhaps could not readily be settled by reference to the law of nations, and involve other conditions which are inapplicable to the territorial waters of Canada.

Mr. Bayard contends that the rule which he asks to have set up was adopted by the Umpire of the Commission appointed under the Treaty of 1853 in the case of the United States' fishing-schooner "*Washington*," that it was by him applied to the Bay of Fundy, and that it is for this reason applicable to other Canadian bays.

The Minister submits, however, that the rule laid down by Mr. Bates with regard to the Bay of Fundy should not be treated as establishing the respective rights of Canada and of the United States as to bays and harbours not included in the terms of the

reference, and in relation to which there was no Agreement to abide by the decision of the Umpire and no decision by him. It may reasonably be contended that as one of the headlands of the Bay of Fundy is in the territory of the United States any rules of international law applicable to that bay are not, therefore, equally applicable to other bays, the headlands of which are both within the territory of the same Power.

As to the second paragraph of the 1st Article, the Minister suggests that before such an Article is acceded to, and, even if the objections before stated should be removed, the Article should be so amended as to incorporate the exact language of the Convention of 1818, in which case several alterations should be made. Thus, the words "and for no other purpose whatever" should be inserted after the mention of the purposes for which vessels may enter Canadian waters, and after the words "as may be necessary to prevent" should be inserted "their taking, drying, or curing fish therein, or in any other manner abusing the privileges reserved, &c."

To make the language conform correctly to the Convention of 1818 several other verbal alterations, which need not be enumerated here, would be necessary in order to prevent imaginary distinctions being drawn hereafter between the Convention of 1818 and any Agreement of later date which may be arrived at.

The Minister, moreover, suggests that, inasmuch as Mr. Bayard has from time to time denied the force and authority of the Customs, Harbour, Shipping, and Police Laws of Canada, it may be well, in order to remove the possibility of misunderstanding on the part of his Government, to insert a proviso expressly recognizing the validity of such enactments.

The proviso in Article 1, in which it is stipulated that any arrangement which may be arrived at by the Commission shall not go into effect until it has been confirmed by Great Britain and the United States, should provide for confirmation by the Parliament of Canada.

2. The Minister submits that Article 2 of the proposed Arrangement is, in his opinion, entirely inadmissible. It would suspend the operation of the Statutes of Great Britain and of Canada, and of the provinces now constituting Canada, not only as to the various offences connected with fishing, but as to Customs, harbours, and shipping, and would give to the fishing-vessels of the United States privileges in Canadian ports which are not enjoyed by vessels of any other class, or of any other nation. Such vessels would, for example, be free from the duty of reporting at the Customs on entering a Canadian harbour, and no safeguard could be adopted to prevent infraction of the Customs laws by any vessel asserting the character of a fishing-vessel of the United States.

Instead of allowing to such vessels merely the restricted privileges reserved by the Convention of 1818, it would give them greater privileges than are enjoyed at the present time by any vessels in any part of the world.

It must, moreover, be borne in mind that, should no "definite arrangement," such as is looked forward to in the proposal be arrived at, these extraordinary concessions, although applied for pending such a definitive arrangement, might remain in operation for an indefinite period, and that the Article would be taken for all time to come as indicating the true interpretation of the Convention of 1818, although the interpretation placed upon that Convention by the Article is, as a matter of fact, diametrically opposed to the construction which has heretofore been insisted upon by successive Canadian Governments.

The Minister further considers it his duty to point out that the Article is beyond the powers of the Imperial Government, which cannot thus suspend or repeal Canadian laws.

3. As to Article 3 the Minister submits that it is entirely inadmissible. It proposes that Her Majesty's Courts in Canada shall, without any show of reason, be deprived of their jurisdiction, and would vest that jurisdiction in a Tribunal not bound by legal principles, but clothed with supreme authority to decide on most important rights of the Canadian people.

It would be a disagreeable novelty to the people of Her Majesty's Canadian dominions to find that any of their rights, or the rights of their country as a whole, were to be submitted to the adjudication of two naval officers, one of them belonging to a foreign country, who, if they should disagree and be unable to choose an Umpire, must refer the final decision of the great interests which might be at stake to some person chosen by lot.

If a vessel charged with infraction of our fishing rights should, by this Extraordinary Tribunal, be thought worthy of being subjected to a "judicial examination," she would be sent to the Vice-Admiralty Court at Halifax, but there would be no redress, no

appeal, and no reference to any Tribunal if the naval officers should think proper to release her.

4. Article 4 is also open to grave objection. It proposes to give the United States' fishing-vessels the same commercial privileges as those to which other vessels of the United States are entitled, although such privileges are expressly renounced by the Treaty of 1818 on behalf of fishing-vessels, which were thereafter to be denied the right of access to Canadian waters, except for shelter, repairs, and the purchase of wood and water. It has already been pointed out in previous Reports on this subject, that an attempt was made, during the negotiations which preceded the Convention of 1818, to obtain for the fishermen of the United States the right of obtaining bait in Canadian waters, and that, as this attempt was successfully resisted, your Excellency will observe that, in spite of this fact, it is proposed, under the Article now referred to, to declare that the Convention of 1818 gave that privilege, as well as the privilege of purchasing other supplies, in the harbours of the Dominion.

5. To this novel and unjustified interpretation of the Convention, Mr. Bayard proposes to give retrospective effect by the next Article of the proposal, in which it is assumed, without discussion, that all United States' fishing-vessels which have been seized since the expiration of the Treaty of Washington have been illegally seized, leaving, as the only question still open for consideration, the amount of the damages for which the Canadian authorities are liable. The Minister submits that the serious consideration of such a proposal would imply a disregard of justice as well as of the interests of Canada, and he is unwilling to believe that it will be entertained, either by your Excellency's advisers or by the Imperial Government.

From the above enumeration of some of the principal objections to which the proposals contained in Mr. Bayard's Memorandum are open, it will be evident to your Excellency that those proposals, as a whole, will not be acceptable to the Government of Canada. The conditions which Mr. Bayard has sought to attach to the appointment of a Mixed Commission involve in every case the assumption that, upon the most important points in the controversy which has arisen in regard to the fisheries on the eastern coast of British North America, Canada has been in the wrong and the United States in the right. The Reports which have already been submitted to your Excellency and communicated to Her Majesty's Government upon this subject have been sufficient to show that the position which has been taken up by the Canadian Government is one perfectly justifiable with reference to the rights expressly secured to British subjects by Treaty, and that the legislation by which it has been and is now being sought to enforce those rights is entirely in accordance with Treaty stipulations, and is within the competence of the Colonial Legislature.

It is not to be expected that, after having earnestly insisted upon the necessity of a strict maintenance of these Treaty rights, and upon the respect due by foreign vessels while in Canadian waters to the municipal legislation by which all vessels resorting to those waters are governed, in the absence, moreover, of any decision of a legal Tribunal to show that there has been any straining of the law in those cases in which it has been put in operation, the Canadian Government will suddenly, and without the justification supplied by any new facts or arguments withdraw from a position taken up deliberately, and by doing so in effect plead guilty to the whole of the charges of oppression in humanity and bad faith which, in language wholly unwarranted by the circumstances of the case, have been made against it by the public men of the United States.

Such a surrender on the part of Canada would involve the abandonment of a valuable portion of the national inheritance of the Canadian people, who would certainly visit with just reprobation those who were guilty of so serious a neglect of the trust committed to their charge.

The Minister, while however objecting thus strongly to the proposal as it now stands, considers that the fact of such a proposal having been made may be regarded as affording an opportunity which has, up to the present time, not been offered for an amicable comparison of the views entertained by your Excellency's Government and that of the United States, and he desires to point out that Mr. Bayard's proposal, though quite inadmissible in so far as the conditions attached to it are concerned, appears to be, in itself, one which deserves respectful examination by your Excellency's advisers. The main principle of that proposal is, that a Mixed Commission should be appointed for the purpose of determining the limits of those territorial waters within which, subject to the stipulations of the Convention of 1818, the exclusive right of fishing belongs to Great Britain.

The Minister cordially agrees with Mr. Bayard in believing that a determination of these limits would, whatever may be the future commercial relations between Canada and

the United States, either in respect of the fishing industry or in regard to the interchange of other commodities, be extremely desirable, and he believes that your Excellency's Government will be found ready to co-operate with that of the United States in effecting such a settlement.

Holding this view, the Minister is of opinion that Mr. Bayard was justified in reverting to the precedent afforded by the negotiations which took place upon this subject between Great Britain and the United States after the expiration of the Reciprocity Treaty of 1854, and he concurs with him in believing that the Memorandum communicated by Mr. Adams in 1866 to the Earl of Clarendon affords a valuable indication of the lines upon which a negotiation directed to the same points might now be allowed to proceed.

The Minister has already referred to some of the criticisms which were taken at the time by Lord Clarendon to the terms of the Memorandum. Mr. Bayard has himself pointed out that its concluding paragraph, to which Lord Clarendon emphatically objected, is not contained in the Memorandum now forwarded by him. Mr. Bayard appears, however, while taking credit for this omission, to have lost sight of the fact that the remaining Articles of the draft Memorandum contain stipulations not less open to objection, and calculated to affect even more disadvantageously the permanent interests of the Dominion in the fisheries adjacent to its coasts.

The Minister submits that, in his opinion, there can be no objection on the part of the Canadian Government to the appointment of a Mixed Commission, whose duty it would be to consider and report upon the matters referred to in the three first Articles of the Memorandum communicated to the Earl of Clarendon by Mr. Adams in 1866.

Should a Commission instructed to deal with these subjects be appointed at an early date, the Minister is not without hope that the result of its investigations might be reported to the Governments affected without much loss of time. Pending the termination of the questions which it would discuss, it will, in the opinion of the Minister, be indispensable that United States' fishing-vessels entering Canadian bays and harbours should govern themselves not only according to the terms of the Convention of 1818, but by the Regulations to which they, in common with other vessels, are subject while within such waters.

The Minister has, however, no doubt that every effort will be made to enforce those Regulations in such a manner as to cause the smallest amount of inconvenience to fishing-vessels entering Canadian ports under stress of weather, or for any other legitimate purpose; and he believes that any representation upon this subject will receive the attentive consideration of your Excellency's Government.

The Minister, in conclusion, would remind your Excellency that your Government has always been willing to remove any obstacles to the most friendly relations between the people of Canada and of the United States.

Your Government has not only been disposed from the first to arrive at such an arrangement as that indicated in the Report with regard to the fisheries, but likewise to enter into such other arrangements as might extend the commercial relations existing between the two countries.

The Committee concur in the foregoing, and they submit the same for your Excellency's approval.

(Signed)

JOHN J. MCGEE,
Clerk, Privy Council, Canada.

Annex.

[The following despatch from Lord Clarendon to Sir F. Bruce contains the Memorandum referred to in the Canadian Report above.]

The Earl of Clarendon to Sir F. Bruce.

Sir,

Foreign Office, May 11, 1866.

MR. ADAMS placed in my hands on the 1st instant the paper of which I inclose a copy. The object of it, as you will see, is to provide by mutual agreement between the two Governments for ascertaining the extent of the restrictions imposed, under the 1st Article of the Convention of 1818, upon the fishermen of the United States while

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carrying on fishing operations on the coasts of Her Majesty's possessions in North America.

Mr. Adams did not accompany the communication of this paper with any explanatory observations in regard to the particular points the settlement of which was contemplated by the United States by means of the proposed agreement, and therefore it can only be inferred that, leaving out of consideration all question of fishing rights on the part of the United States on the coasts of the British possessions to which their fishermen are specially admitted, the object of the proposed Commission is to inquire into and define the several questions relating to rights of exclusive fishery possessed by Great Britain within bays and between headlands which have in former times been a fruitful source of discussion between the two Governments.

These questions were put in abeyance by the Reciprocity Treaty of 1854, but are now revived with all their difficulties by the abrogation of that Treaty at the demand of the Government of the United States.

The definition of the limits of restriction on fishery retained in the Reciprocity Treaty has occupied a Mixed Commission up to the present time, and their labours were only completed when the entire benefit to be derived from them was, in consequence of the abrogation of the Treaty, no longer enjoyable by the fishermen of either country.

It is probable that the Government of the United States, having in view the process by which the fishing provisions of the Reciprocity Treaty were, in one respect, to be carried into effect, contemplate the possibility, by a similar process of determining (though without having recourse to an international arrangement of the same kind—at all events in the first instance) the various questions which for the time were set at rest by the Treaty of 1854.

Her Majesty's Government will very readily associate themselves with that of the United States in such an attempt, and they therefore authorize you to accept, at least in principle, the proposal for a Mixed Commission for the purposes specified in the first, second, and third clauses of the paper delivered to me by Mr. Adams.

But before you sign a Protocol to that effect, Her Majesty's Government desire that you should obtain from the Government of the United States a more distinct explanation of the duties which it is proposed to confide to the Mixed Commission, and of the limits within which it is to operate; though, if that explanation is such as shall satisfy you that you may safely proceed, you may at once sign such a document without further instructions; if, however, you entertain any doubt on the subject, or would prefer, on so important a question, that Her Majesty's Government should have an opportunity of previously signifying their concurrence in the document you may be prepared to sign, you are at liberty to refer home for definitive instructions.

Her Majesty's Government understand that "the southern coast of Newfoundland, which extends from Cape Ray to the Rameau Islands;" "the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands;" "the shores of the Magdalen Islands;" "the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, indefinitely, along the coast;" and also "the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland here above described, and of the coast of Labrador," will be excluded from the operations of the Commission, whose duty will therefore be confined to ascertaining what is the real extent and meaning of the renunciation, on the part of the United States, "to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits;" and, having ascertained these points, then to lay down regulations under which United States' fishermen may be "admitted to enter such bays or harbours for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water;" and to agree upon a system of police for enforcing the conclusions at which the Commission may arrive.

If I have correctly described the object of the United States in the present proposal, Her Majesty's Government will readily accede to it, and will cordially co-operate in removing a source of much irritation between the subjects and citizens of the two countries.

In any case, however, Her Majesty's Government would reserve, as that of the United States are also prepared for themselves to reserve, the right of considering the recommendations of the Joint Commission, before they can finally be held binding on the two Governments; and Her Majesty's Government would hold themselves entitled to maintain, pending the determination of the questions to be discussed, the principles for which they have heretofore contended, and to enforce all regulations and assert all rights,

which, previously to the conclusion of the Reciprocity Treaty, the British Government asserted and enforced. Therefore, if the purport of the concluding paragraph of Mr. Adams' paper is meant by the United States to involve an obligation on the part of Her Majesty's Government to continue to allow, during the sitting of the Commission, fishermen of the United States to enjoy in British waters the privileges under the Reciprocity Treaty which the Government of the United States have now renounced for their citizens, you will frankly state to Mr. Seward that into such an engagement Her Majesty's Government cannot enter.

Her Majesty's Government are most desirous that the rights of the Colonies should be so enforced as to give the least possible occasion for complaint or discussion. They have cordially approved, and have recommended to the Governments of the other British Provinces, a proposal made by the authorities of Canada, that American fishermen should for the present season be allowed to enjoy, under special licences, the benefits conferred by the Reciprocity Treaty, and they will be glad to learn that the Lower Provinces have adopted an arrangement intended to prevent the change of circumstances from operating suddenly to the injury of the fishing interests of citizens of the United States; but they cannot engage indefinitely to adhere to this system, though they are perfectly prepared to concert with the United States for substituting for it a more permanent arrangement which, either solely applicable to fisheries, or more generally comprising the common interests of Her Majesty's subjects, and those of the citizens of the United States, shall hold out a promise of mutual interest to both parties, and the strongest assurance of peace and good-will between the two Governments.

You will, of course, freely communicate with Her Majesty's Colonial authorities on the matters referred to in this despatch.

In the meanwhile, I shall take an opportunity to inform Mr. Adams that, while cordially assenting in principle to the proposal which he placed in my hands, and anxiously desiring that it may lead to a good result, Her Majesty's Government have thought that the negotiation would be facilitated by its being carried on between you and Mr. Seward.

I am, &c.
(Signed) CLARENDON.

Inclosure in Annex.

Draft Protocol communicated by Mr. Adams to the Earl of Clarendon in 1866.

WHEREAS in the Ist Article of the Convention between the United States and Great Britain, concluded and signed in London on the 26th October, 1818, it was declared that:—

“The United States hereby renounce, for ever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within certain limits heretofore mentioned:”

And whereas differences have arisen in regard to the extent of the above-mentioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, have agreed to appoint, and do hereby authorize the appointment, of a Mixed Commission for the following purposes, namely:—

1. To agree upon and define, by a series of lines, the limits which shall separate the exclusive from the common right of fishery, on the coasts and in the seas adjacent, of the British North American Colonies, in conformity with the Ist Article of the Convention of 1818. The said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

2. To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbours for the purpose of shelter; and of repairing damages therein, of purchasing wood, and of obtaining water; and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said Convention to the fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with as little expense as possible, for the violation of rights and the transgression of the limits and restrictions which may be hereby adopted.

Provided, however, that the limits, restrictions, and regulations which may be agreed upon by the said Commission shall not be final, nor have any effect, until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by Treaty or by laws mutually acknowledged and accepted by the President of the United States, by and with the consent of the Senate and by Her Majesty the Queen of Great Britain.

Pending a definitive arrangement on the subject, the United States' Government engages to give all proper orders to officers in its employment; and Her Britannic Majesty's Government engages to instruct the proper Colonial or other British officers to abstain from hostile acts against British and United States' fishermen respectively.

No. 50.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, February 17, 1887.

I HAVE received your despatch of the 28th ultimo, relative to the case of the United States' schooner "Sarah H. Prior;" and I have to acquaint you that I have requested to be furnished with a Report from the Dominion Government on the subject.

I am, &c.

(Signed) SALISBURY.

No. 51.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, February 17, 1887.

I AM directed by the Marquis of Salisbury to transmit to you, to be laid before Sir Henry Holland, a copy of a despatch from Her Majesty's Minister at Washington, inclosing a copy of a note from the United States' Secretary of State, requesting that an investigation may be made into the case of the United States' schooner "Sarah H. Prior;"* and I am to request that a Report may be obtained from the Dominion Government on the subject.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 52.

Sir L. West to the Marquis of Salisbury.—(Received February 19.)

My Lord,

Washington, February 4, 1887.

I HAVE the honour to inclose to your Lordship herewith copies of a letter from the Secretary of State, transmitting to the Senate a revised list of the American vessels seized, detained, or warned off from Canadian ports during the last year.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 52.

49th Congress, 2nd Session.—SENATE.—Ex. Doc. No. 55.

Letter from the Secretary of State transmitting Revised List of Vessels involved in the Controversy with the Canadian Authorities.

January 27, 1887.—Ordered to be printed, and also to be bound with Senate Report No. 1683.

Sir,

Department of State, Washington, January 26, 1887.

RESPONDING to your request, dated the 17th, and received at this Department on the 18th instant, on behalf of the Committee on Foreign Relations, for a revision of the list, heretofore furnished by this Department to the Committee, of all American

vessels seized, warned, fined, or detained by the Canadian authorities during the year 1886, I now inclose the same.

Every such instance is therein chronologically enumerated, with a statement of the general facts attendant.

Very respectfully, &c.
(Signed) T. F. BAYARD.

Hon. George F. Edmunds, United States' Senate.

List of American Vessels seized, detained, or warned off from Canadian ports during the last Year.

"Sarah B. Putnam."—Beverly, Mass.; Charles Randolph, master.

Driven from harbour of Pubnico in storm March 22, 1886.

"Joseph Story."—Gloucester, Mass.

Detained by customs officers at Baddeck, N. S., in April 1886, for alleged violation of the Customs Laws. Released after twenty-four hours' detention.

"Seth Stockbridge."—Gloucester, Mass.; Antone Olson, master.

Warned off from St. Andrews, N. B., about April 30, 1886.

"Annie M. Jordan."—Gloucester, Mass.; Alexander Haine, master.

Warned off at St. Andrews, New Brunswick, about May 4, 1886.

"David J. Adams."—Gloucester, Mass.; Alden Kinney, master.

Seized at Digby, Nova Scotia, May 7, 1886, for alleged violation of Treaty of 1818, Act of 59 George III, and Act of 1883. Two suits brought in Vice-Admiralty Court at Halifax for penalties. Protest filed May 12. Suits pending still, and vessel not yet released apparently.

"Susie Cooper."—(Hooper?) Gloucester (?), Mass.

Boarded and searched, and crew rudely treated, by Canadian officials in Canso Bay, Nova Scotia, May 1886.

"Ella M. Doughty."—Portland, Me.; Warren A. Doughty, master.

Seized at St. Ann's, Cape Breton, May 17, 1886, for alleged violation of the Customs Laws. Suit was instituted in Vice-Admiralty Court at Halifax, Nova Scotia, but was subsequently abandoned, and vessel was released June 29, 1886.

"Jennie and Julia."—Eastport, Me.; W. H. Travis, master.

Warned off at Digby, Nova Scotia, by Customs officers, May 18, 1886.

"Lucy Ann."—Gloucester, Mass.; Joseph H. Smith, master.

Warned off at Yarmouth, Nova Scotia, May 29, 1886.

"Matthew Keany."—Gloucester, Mass.

Detained at Souris, Prince Edward Island, one day for alleged violation of Customs Laws, about May 31, 1886.

"James A. Garfield."—Gloucester, Mass.

Threatened, about June 1, 1886, with seizure, for having purchased bait in a Canadian harbour.

"Martha W. Bradley."—Gloucester, Mass.; J. F. Ventier, master.

Warned off at Canso, Nova Scotia, between June 1 and 8, 1886.

"Eliza Boynton."—Gloucester, Mass.; George E. Martin, master.

Warned off at Canso, Nova Scotia, between June 1 and 9, 1886. Then afterwards detained in manner not reported, and released October 25, 1886.

"Mascot."—Gloucester, Mass.; Alexander McEachern, master.

Warned off at Port Amherst, Magdalen Islands, June 10, 1886.

"Thomas F. Bayard."—Gloucester, Mass.; James McDonald, master.

Warned off at Bonne Bay, Newfoundland, June 12, 1886.

"James G. Craig."—Portland, Me.; Webber, master.

Crew refused privilege of landing for necessities at Brooklyn, Nova Scotia, June 15 or 16, 1886.

"City Point."—Portland, Me.; Keene, master.

Detained at Shelburne, Nova Scotia, July 2, 1886, for alleged violation of Customs Laws. Penalty of 400 dollars demanded. Money deposited, under protest, July 12, and, in addition, 120 dollars costs deposited July 14. Fine and costs refunded July 21, and vessel released August 26. Harbour dues exacted August 26, notwithstanding vessel had been refused all the privileges of entry.

"C. P. Harrington."—Portland, Me.; Frellick, master.

Detained at Shelburne, Nova Scotia, July 3, 1886, for alleged violation of Customs Laws; fined 400 dollars July 5; fine deposited under protest, July 12; 120 dollars costs deposited July 14; refunded July 21, and vessel released.

"Hereward."—Gloucester, Mass.; McDonald, master.

Detained two days at Canso, Nova Scotia, about July 3, 1886, for shipping seamen contrary to port laws.

"G. W. Cushing."—Portland, Me.; Jewett, master.

Detained July (by another report June) 3, 1886, at Shelburne, Nova Scotia, for alleged violation of the Customs Laws; fined 400 dollars; money deposited with collector at Halifax about July 12 or 14, and 120 dollars for costs deposited 14th; costs refunded July 21, and vessel released.

"Golden Hind."—Gloucester, Mass.; Ruben Cameron, master.

Warned off at Bay of Chaleurs, Nova Scotia, on or about July 23, 1886.

"Novelty."—Portland, Me.; H. A. Joyce, master.

Warned off at Pictou, Nova Scotia, June 29, 1886, where vessel had entered for coal and water; also refused entrance at Amherst, Nova Scotia, July 24.

"N. J. Miller."—Booth Bay, Me.; Dickson, master.

Detained at Hopewell Cape, New Brunswick, for alleged violation of Customs Laws, on July 24, 1886. Fined 400 dollars.

"Rattler."—Gloucester, Mass.; A. F. Cunningham, master.

Warned off at Canso, Nova Scotia, June 1886. Detained in port of Shelburne, Nova Scotia, where vessel entered seeking shelter August 3, 1886. Kept under guard all night and released on the 4th.

"Caroline Vought."—Booth Bay, Me.; Charles S. Reed, master.

Warned off at Paspebiac, New Brunswick, and refused water, August 4, 1886.

"Shiloh."—Gloucester, Mass.; Charles Nevit, master.

Boarded at Liverpool, Nova Scotia, August 9, and subjected to rude surveillance.

"Julia Ellen."—Booth Bay, Me.; Burnes, master.

Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.

"Freddie W. Allton."—Provincetown, Mass.; Allton, master.

Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.

"Howard Holbrook."—Gloucester, Mass.

Detained at Hawkesburg, Cape Breton, August 17, 1886, for alleged violation of the Customs Laws. Released August 20 on deposit of 400 dollars. Question of remission of fine still pending.

"A. R. Crittenden."—Gloucester, Mass.; Bain, master.

Detained at Hawkesburg, Nova Scotia, August 27, 1886, for alleged violation of Customs Laws; 400 dollars penalty deposited August 28 without protest, and vessel released; 375 dollars remitted, and a nominal fine of 25 dollars imposed.

"Mollie Adams."—Gloucester, Mass.; Solomon Jacobs, master.

Warned off into storm from Straits of Canso, Nova Scotia, August 31, 1886.

"Highland Light."—Wellfleet, Mass.; J. H. Ryder, master.

Seized off East Point, Prince Edward Island, September 1, 1886, while fishing within prohibited line. Suit for forfeiture begun in Vice-Admiralty Court at Charlottetown. Hearing set for September 20, but postponed to September 30. Master admitted the charge and confessed Judgment. Vessel condemned and sold December 14. Purchased by Canadian Government.

"Pearl Nelson."—Provincetown, Mass.; Kemp, master.

Detained at Arichat, Cape Breton, September 8, 1886, for alleged violation of Customs Laws. Released September 9 on deposit of 200 dollars. Deposit refunded October 26, 1886.

"Pioneer."—Gloucester, Mass.; F. F. Cruched, master.

Warned off at Canso, Nova Scotia, September 9, 1886.

"Everett Steel."—Gloucester, Mass.; Charles H. Forbes, master.

Detained at Shelburne, Nova Scotia, September 10, 1886, for alleged violation of Customs Laws. Released by order from Ottawa, September 11, 1886.

"Moro Castle."—Gloucester, Mass.; Edwin M. Joyce, master.

Detained at Hawksbury, Nova Scotia, September 11, 1886, on charge of having smuggled goods into Chester, Nova Scotia, in 1884, and also of violating Customs Laws. A deposit of 1,600 dollars demanded. Vessel discharged November 29, 1886, on payment, by agreement, of 1,000 dollars to Canadian Government.

"William D. Daisley."—Gloucester, Mass.; J. E. Gorman, master.

Detained at Souris, Prince Edward Island, October 4, 1886, for alleged violation of Customs Laws. Fined 400 dollars, and released on payment; 375 dollars of the fine remitted.

"Laura Sayward."—Gloucester, Mass.; Medeo Rose, master.

Refused privilege of landing to buy provisions at Shelburne, Nova Scotia, October 5, 1886.

"Marion Grimes."—Gloucester, Mass.

Detained at Shelburne, Nova Scotia, October 9, for violation of port laws in failing to report at Custom-house on entering. Fined 400 dollars. Money paid under protest and vessel released. Fine remitted December 4, 1886.

"Jennie Seaverns."—Gloucester, Mass.; Joseph Tupper, master.

Refused privilege of landing, and vessel placed under guard at Liverpool, Nova Scotia, October 20, 1886.

"Flying Scud."—Gloucester, Mass.

Detained for alleged violation of Customs Laws at Halifax, November 1, or about that time. Released November 16, 1886.

"Sarah H. Prior."—Boston, Mass.

Refused the restoration of a lost seine, which was found by a Canadian schooner, December 1886.

Boat (name unknown).—Stephen R. Balcom, master, Eastport, Me.

Warned off at St. Andrews, New Brunswick, July 9, 1886, with others.

Two small boats (unnamed).—Charles Smith, Pembroke, Me., master.

Seized at East Quaddy, New Brunswick, September 1, 1886, for alleged violation of Customs Laws.

"Druid" (foreign built).—Gloucester, Mass.

Seized, warned off, or molested otherwise at some time prior to September 6, 1886.

"Abbey A. Snow."—Injury to this vessel has not been reported to the Department of State.

"Eliza A. Thomas."—Injury to this vessel has not been reported to the Department of State.

"Wide-Awake."—Eastport, Me.; William Foley, master.

Fined at L'Etang, New Brunswick, 75 dollars for taking away fish without getting a clearance; again, November 13, 1886, at St. George, New Brunswick, fined 20 dollars for similar offence. In both cases he was proceeding to obtain clearances.

No. 53.

Sir L. West to the Marquis of Salisbury.—(Received February 19.)

My Lord,

Washington, February 5, 1887.

I HAVE the honour to inclose to your Lordship herewith a paper containing certain questions respecting the fisheries, put by the Secretary of the Treasury to Professor Baird, of the Fish Commission, as well as the answers returned thereto.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 53.

Questions put to Professor Baird by the Secretary of the Treasury on the Fisheries, and Answers thereto.

1. WHAT are the descriptions of the fish which American fishermen desire to take either in the jurisdictional waters of British North America or in the open sea or open bays near the British Colonial possessions?

Answer.—Mackerel is the only species of any importance which American fishermen desire to take within the 3-mile limit, but at present the advantage to be derived from any privilege of fishing within the 3-mile limit is comparatively insignificant.

2. In the method of fishing in the open sea, of what importance is the right to enter in a commercial way British Colonial ports in the neighbourhood?

Answer.—Only to purchase either salt, barrels, or ice. The privilege, however, of landing cargoes of fish at provincial ports for shipment to the United States is of considerable importance to vessels engaged in the mackerel fishery, and with it should be coupled the privilege of refitting. Some of the Gloucester owners of vessels are opposed to going to and from provincial ports on account of the loss of time thereby incurred, but as a considerable percentage of the men employed have families in

the provinces, they urge upon the owners the necessity of obtaining bait in these localities.

3. The same question in regard to the fishing on the permitted coasts, and the commercial entry in the prohibited bays and harbours, but not for fishing?

Answer.—There is at present comparatively little fishing by American vessels on that portion of the coast to which free access is given by the Treaty of 1818, but vessels fishing in that vicinity should have the same privileges in other ports as are accorded to other vessels, as it would seem unwise to discriminate, and it would, perhaps, owing to the few Settlements of any importance on the permitted coast, be more convenient for the vessels to enter ports in the prohibited districts to purchase the necessary articles than to go out of their way in an opposite direction, where there might be any uncertainty of securing them.

4. What is your estimate of the total tonnage of American vessels, and the number of fishermen therein engaged in the Canadian and North Atlantic fisheries in 1886, and the total value of their catch?

Answer.—1,956 vessels, aggregating 115,130 tons, with crews numbering 17,996 men.

The fleet is estimated to have been divided as follows:—

1,530 vessels in the food-fish fishery.

215 in the shell-fish and lobster fisheries.

177 in the capture of whales and seals.

34 in the Menhaden fishery.

5. What change has, in your view, come to American fisheries since the last full year of the Washington Treaty in regard to the quantity, character, and general features of that industry?

Answer.—During the year mackerel has been peculiarly scarce. The limited catch, however, cannot in any way be accounted for by the restrictions placed on American vessels within the 3-mile limit.

6. Whatever the new features in the diminished necessity for the purchase of bait in British North American ports?

Answer.—The employment of the Gill net obtained from Norway for catching cod-fish, which renders bait no longer necessary.

7. Have you ascertained new facts of public interest in regard to the decreasing importance to American fishermen of the in-shore Canadian fisheries?

Answer.—The decreased importance is due to—

1. The increased size of American vessels which did away with the necessity of fishing close to land where harbours could be made in case of storms, and of landing to dry their fish.

2. The substitution of the purse seine for hand-lines, in the capture of mackerel, which has necessitated fishing in deeper water, and at a greater distance from shore.

3. From the change in the location of the mackerel, which has for the last few years enabled American vessels to obtain full cargoes in the vicinity of the American coasts, instead of going to the Gulf of St. Lawrence, where they formerly met with better success, but where of late years, prior to the present season, they have found fishing unsatisfactory.

No. 54.

Sir L. West to the Marquis of Salisbury.—(Received February 22.)*

My Lord,

Washington, February 7, 1887.

I HAVE the honour to inform your Lordship that the Secretary of the Treasury has sent a long reply to a request of the House Committee on Foreign Affairs for any suggestions he may desire to make with reference to the non-intercourse Bill now under consideration, and for which he proposes to substitute the Bill, copies of which, as published in the newspapers, are herewith inclosed. The Secretary holds that when Treaty rights are curtailed the right to respond exists. The Canadian Act recently approved by the Imperial Government, he maintains, was intended to forfeit any American fishing-vessel which is found having entered Canadian waters to buy ice, bait, or other articles, or for any purpose other than shelter, repairs, wood, or water, on the plea that the Treaty of 1818 permits and stipulates for such legislation. That he

* Copy to Colonial Office, February 25, 1887.

denies, and contends that such legislation is a repeal and annulment by England of the arrangement made in 1830, and that to that repeal the United States' Government is entitled to respond by a similar repeal of their own Law, and by a refusal hereafter, and while debate or negotiation goes on, to confer hospitality or any privileges whatever in United States' ports on Canadian vessels or boats of any sort. England, he says, may judge for herself of the nature and extent of the comity and courtesy she will show the United States, and the United States simply respond—suspend comity and hospitality.

He therefore proposes a Bill, which is in substance the one before the House, authorizing the President, under given circumstances, to exclude both vessels, goods, engines, and cars coming from Canada. The Secretary considers the question whether or not Article XXIX of the "Alabama" Treaty* was left standing by the Act of Congress of 1883 (28th June)† and the President's Proclamation thereunder. If, he concludes, the stipulations of this Article are now binding on Great Britain, then it is indisputable that the vessels of the United States are entitled by the Treaty to enter fish as merchandize at the proper custom-house of any Canadian port for conveyance in bond to the United States, for, of necessity, the vessel containing the fish is entitled to enter the port in order to enter the merchandize at the proper custom-house.

In the preamble of this proposed Bill will be found the grounds upon which it is based.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 54.

Extract from the "New York World" of February 7, 1887.

SECRETARY MANNING'S BILL.—Subject to this policy, therefore, even when repelling aggression; avowing this common duty and ultimate destiny, even when responding to an offensive non-intercourse policy, by offended non-intercourse acts which at any moment we are more anxious to withdraw from than now willing to enter upon, I submit to your Committee, with the greatest deference, the following Bill:—

"An Act to enable the President to protect and defend the Rights and Privileges of Vessel of the United States.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

"Whereas, the United States having by Treaty with His Majesty the King of the United Kingdom of Great Britain and Ireland, renounced certain specified incidents and parts of the therein recognized liberties of the United States in the fisheries of the North Atlantic heretofore enjoyed in common with the inhabitants of the places bordering thereon, namely, the liberty to take, dry, and cure fish within 3 marine miles of certain designated coasts, bays, creeks and harbours of the British dominions of North America;

"Whereas, the United States having retained unrenounced the rest and residue of their rights and liberties in the fisheries of the North Atlantic, the Gulf of St. Lawrence, the Newfoundland and Labrador coasts; and,

"Whereas, the United States having by the said Treaty subjected even their right to traverse and their liberty to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, and of purchasing wood, and of obtaining water, to whatsoever restrictions might be necessary to effectuate their said renunciation of taking, drying, and curing fish therein; and,

"Whereas, the aforesaid renunciation of what has now become valueless, and which the United States have no wish to resume or enjoy, has, by those having authority over the lands adjacent to the said bays and harbours, been made a pretext for laws so executed as to enlarge, distend, and pervert the said renunciation into nullification or denial of the said unrenounced, recognized, and common rights and liberties of the United States in the said British waters, coasts, and common sovereignty in the fisheries therein, to wit: Denial at all Canadian ports open to the entry of foreign vessels, to regularly documented vessels of the United States, whether following inshore fishery

* Treaty of Washington, May 8, 1871.

† See "United States No. 1 (1837)," p. 8. No. 11.

thereabouts on coasts, bays, creeks, harbours, shores, and straits, designated and unrenounced in the said Treaty, or pursuing off-shore fishery, or fishery upon the high seas thereabouts, of rights to which such vessels and their crews are entitled, to wit, likewise, denial at all Canadian ports open for entry by foreign vessels, to regularly documented vessels of the United States, of commercial and trading privileges now ordinary in the intercourse of civilized peoples, and such as in all ports of entry for foreign vessels established by law in the United States, are now, and for many years past have been conceded to and enjoyed by Canadian and British vessels entering and trading at the same; and,

Whereas, for past aggressions and injuries in that regard, redress is delayed or withheld; and,

“Whereas, a recent and more stringent Statute enacted by the Canadian Parliament, and approved by the Queen in Council on the 26th November last, seems to prove those aggressions and injuries deliberate and politic, to forbode their continuance, and to project Canadian non-intercourse with American fishing-vessels for general purposes of trade; therefore,

“Section 1. That whenever the President shall be satisfied that vessels of the United States are, by British or Canadian authority, denied or abridged in the reasonable enjoyment of any rights, privileges, or liberties, on Canadian waters or coasts, or in Canadian ports to which rights, privileges, or liberties, such vessels, their masters or crews, are entitled, by Treaty, or by the law of nations, it shall, in his discretion, be lawful, and it shall, in his discretion, be the duty of the President to close, by a Proclamation to that effect, all the ports of the United States against any and every vessel owned wholly or in part by a subject of Her Britannic Majesty, and coming or arriving from any port or place in the Dominion of Canada or in the Island of Newfoundland, whether directly or having touched at any other port, excepting such vessels shall be in distress of navigation and of needed repairs or supplies therefor, and every vessel thus excluded from the ports of the United States that shall enter, or attempt to enter the same, in violation of this Act, shall, with her tackle, apparel, furniture, and all the cargo on board, be seized and forfeited to the United States, or the value thereof to be recovered of the person or persons making or attempting to make entry.

“Sec. 2. That it shall, in his discretion, be lawful for the President, and it shall, in his discretion, be his duty, whenever he shall be satisfied as is in the 1st section hereof declared, to prohibit, by Proclamation, the entry, or importation, or bringing into any collection, district, or place, in the United States, of any goods, wares, or merchandize, from the aforesaid Dominion of Canada, or Newfoundland, or any locomotive, car, or other vehicle, from the Dominion of Canada; but the President may, in his discretion, apply such Proclamations to any part or all of the things or articles herein named, and may qualify, limit, rescind, or renew the application thereof; and all goods, wares, or merchandize, locomotives, cars, or other vehicles imported or brought, or attempted to be imported or brought, into the United States, contrary to the provisions of this Act, shall be seized and forfeited to the United States, or the value thereof to be recovered of the person or persons so importing or bringing.

“Sec. 3. Any person who shall violate any of the provisions of the 1st or 2nd section of this Act, or any Proclamation of the President made in pursuance hereof, shall be deemed guilty of misdemeanour, and on conviction thereof shall be punished by a fine not exceeding 1,000 dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the Court.

“Sec. 4. That the President be, and is hereby authorized, to appoint a Commissioner to proceed to such places, in the United States or elsewhere, as may be designated by the Secretary of State, to take testimony, under oath or affirmation, in relation to the losses and injuries inflicted since the 31st December, 1885, by British authorities, Imperial or Colonial, upon citizens of the United States engaged in the fisheries on the north-east coast of British North America. Said Commissioner shall everywhere have, in respect to the administration of oaths or affirmation and the taking of testimony, the same powers as a Commissioner of a Circuit Court, and shall be paid the same fees as are prescribed for similar services of a Commissioner of a Circuit Court, together with travelling expenses.”

The above is but a summary—the Bill, of Act which might be ordained; the preamble, of reasons and grounds. Of course preambles can never create powers, but may serve to explain them. They are rare in the Acts of Congress. The disused form was convenient to enable me to satisfy your request.

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No. 55.

Mr. Bramston to Sir J. Pouncefote.—(Received February 25.)

Sir,

Downing Street, February 24, 1887.

WITH reference to your letter of the 17th instant, I am directed by Secretary Sir Henry Holland to request that you will inform the Marquis of Salisbury that the Governor-General of Canada has been requested to cause a Report to be furnished of the alleged conduct of the Captain of the Canadian revenue cutter "Critic" in connection with the case of the United States' schooner "Sarah H. Prior."

I am, &c.

(Signed) JOHN BRAMSTON.

No. 56.

Mr. Bramston to Sir J. Pouncefote.—(Received March 1.)

Sir,

Downing Street, February 28, 1887.

WITH reference to the letter from this Department of the 8th ultimo, and to previous correspondence respecting the alleged action of the Canadian authorities in the case of the United States' fishing-schooners "Pearl Nelson" and "Everitt Steele," I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a further despatch, with its inclosure, from the Governor-General of the Dominion on the subject.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 56.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Ottawa, January 31, 1887.

WITH reference to Mr. Stanhope's despatch of the 22nd November last, transmitting copies of two letters from the Foreign Office, inclosing notes from the Secretary of State of the United States respecting the alleged proceedings of the Canadian authorities in the case of the United States' fishing-vessels "Pearl Nelson" "Everett Steele," I have the honour to forward herewith a copy of an approved Report of a Committee of the Privy Council, embodying a Report of my Minister of Marine and Fisheries on the subject.

You will observe from the accompanying Minute of Council that in reply to a telegram from the Secretary of State for the Colonies, dated the 6th November last, copies of Orders in Council approved on the 18th of the same month, containing full statements of facts regarding the detention of the above-named vessels were inclosed in my despatches of the 29th November last.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 56.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 15th January, 1887.

THE Committee of the Privy Council have had under consideration a despatch, dated the 22nd November, 1886, from the Right Honourable the Secretary of State for the Colonies, inclosing letters from Mr. Secretary Bayard, bearing date the 29th October, and referring to the cases of the schooners "Everitt Steele" and "Pearl Nelson."

The Minister of Marine and Fisheries, to whom the despatch and inclosures were referred, reports that in reply to a telegram from the Secretary of State for the Colonies, an Order in Council passed on the 18th November last, containing a full statement of

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facts regarding the detention of the above-named vessels, was transmitted to Mr. Stanhope. It will not, therefore, be necessary to repeat this statement in the present Report.

The Minister observes, in the first place, that the two fishing-schooners "Everitt Steele" and "Pearl Nelson" were not detained for any alleged contravention of the Treaty of 1818, or the Fishery Laws of Canada, but solely for violation of the Customs Law.

By this Law all vessels, of whatever character, are required to report to the Collector of Customs immediately upon entering port, and are not to break bulk or land crew or cargo before this is done.

The Minister states that the captain of the "Everitt Steele" had on a previous voyage entered the port of Shelburne on the 25th March, 1886, and after remaining for eight hours, had put to sea again without reporting to the Customs. For this previous offence he was, upon entering Shelburne Harbour on the 10th September last, detained, and the facts were reported to the Minister of Customs at Ottawa. With these facts was coupled the captain's statement that on the occasion of the previous offence he had been misled by the Deputy Harbour-master, from whom he understood that he would not be obliged to report unless he remained in harbour for twenty-four hours. The Minister accepted the statement in excuse as satisfactory, and the "Everitt Steele" was allowed to proceed on her voyage.

The Customs Law had been violated. The captain of the "Everitt Steele" had admitted the violation, and for this the usual penalty could have been legally enforced. It was, however, not enforced, and no detention of the vessel occurred beyond the time necessary to report the facts to head-quarters and obtain the decision of the Minister.

The Minister submits that he cannot discern in this transaction any attempt to interfere with the privileges of United States' fishing-vessels in Canadian waters or any sufficient cause for the protest of Mr. Bayard.

The Minister states that in the case of the "Pearl Nelson" no question was raised as to her being a fishing-vessel, or her enjoyment of any privileges guaranteed by the Treaty of 1818. Her captain was charged with a violation of the Customs Law, and of that alone, by having on that day, before reporting to the Collector of Customs at Arichat, landed ten of his crew.

This he admitted upon oath; when the facts were reported to the Minister of Customs, he ordered that the vessel might proceed upon depositing 200 dollars pending a fuller examination. This was done, and the fuller examination resulted in establishing the violation of the Law, and in finding that the penalty was legally enforceable. The Minister, however, in consideration of the alleged ignorance of the captain as to what constituted an infraction of the Law, ordered the deposit to be returned.

In this case there was a clear violation of Canadian law. There was no lengthened detention of the vessel, the deposit was ultimately remitted, and the United States' Consul-General at Halifax expressed himself by letter to the Minister as highly pleased at the result.

The Minister observes that in this case he is at a loss to discover any well-founded grievance, or any attempted denial of, or interference with, any privileges guaranteed to United States' fishermen by the Treaty of 1818.

The Minister further observes that the whole argument and protest of Mr. Bayard appears to proceed upon the assumption that these two vessels were subjected to unwarrantable interference, in that they were called upon to submit to the requirements of Canadian Customs Law, and that this interference was prompted by a desire to curtail or deny the privileges of resort to Canadian harbours for the purposes allowed by the Treaty of 1818.

It is needless to say that this assumption is entirely incorrect.

Canada has a very large extent of sea-coast, with numberless ports, into which foreign vessels are constantly entering for purposes of trade. It becomes necessary in the interests of legitimate commerce that stringent Regulations should be made, by compulsory conformity to which illicit traffic should be prevented. These Customs Regulations all vessels of all countries are obliged to obey, and these they do obey without in any way considering it a hardship. United States' fishing-vessels come directly from a foreign and not distant country, and it is not in the interests of legitimate Canadian commerce that they should be allowed access to our ports without the same strict supervision as is exercised over all other foreign vessels; otherwise there would be no guarantee against illicit traffic of large dimensions, to the injury of honest trade and the serious diminution of the Canadian revenue. United States' fishing-vessels are cheerfully accorded the right to enter Canadian ports for the purpose of

obtaining shelter, repairs, and procuring wood and water; but in exercising this right they are not and cannot be independent of the Customs Laws.

They have the right to enter for the purposes set forth; but there is only one legal way in which to enter, and that is by conformity to the Customs Regulations.

When Mr. Bayard asserts that Captain Forbes had as much right to be in Shelburne Harbour seeking shelter and water "as he would have had on the high seas, carrying on, under shelter of the flag of the United States, legitimate commerce," he is undoubtedly right; but when he declares, as he in reality does, that to compel Captain Forbes in Shelburne Harbour to conform to Canadian Customs Regulations, or to punish him for their violation, is a more unwarrantable stretch of power than "that of a seizure on the high seas of a ship unjustly suspected of being a slaver," he makes a statement which carries with it its own refutation. Customs Regulations are made by each country for the protection of its own trade and commerce, and are enforced entirely within its own territorial jurisdiction; while the seizure of a vessel upon the high seas, except under extraordinary and abnormal circumstances, is an unjustifiable interference with the free right of navigation common to all nations.

As to Mr. Bayard's observation that by treatment such as that experienced by the "Everitt Steele" "the door of shelter is shut to American fishermen as a class," the Minister expresses his belief that Mr. Bayard cannot have considered the scope of such an assertion, or the inferences which might reasonably be drawn from it.

If a United States' fishing-vessel enters a Canadian port for shelter, repairs, or for wood and water, her captain need have no difficulty in reporting her as having entered for one of these purposes, and the "Everitt Steele" would have suffered no detention had her captain on the 25th March simply reported his vessel to the Collector. As it was, the vessel was detained for no longer time than was necessary to obtain the decision of the Minister of Customs, and the penalty for which it was liable was not enforced. Surely Mr. Bayard does not wish to be understood as claiming for United States' fishing-vessels total immunity from all Customs Regulations, or as intimating that if they cannot exercise their privileges unlawfully they will not exercise them at all.

Mr. Bayard complains that the "Pearl Nelson," although seeking to exercise no commercial privileges, was compelled to pay commercial fees such as are applicable to trading vessels. In reply, the Minister observes that the fees spoken of are not "commercial fees," they are Harbour-master's dues which all vessels making use of legally constituted harbours are by law compelled to pay, and entirely irrespective of any trading that may be done by the vessel.

The Minister observes that no single case has yet been brought to his notice in which any United States' fishing-vessel has in any way been interfered with for exercising any rights guaranteed under the Treaty of 1818 to enter Canadian ports for shelter, repairs, wood, or water; that the Canadian Government would not countenance or permit any such interference, and that in all cases of this class when trouble has arisen it has been due to a violation of Canadian Customs Law which demands the simple legal entry of the vessel as soon as it comes into port.

The Committee, concurring in the above Report, recommend that your Excellency be moved to transmit a copy thereof to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed)

JOHN J. McGEE,
Clerk Privy Council.

No. 57.

Mr. Bramston to Sir J. Pauscefote.—(Received March 1.)

Sir,

Downing Street, February 28, 1857.

WITH reference to previous correspondence relating to an *ad interim* arrangement with the Government of the United States upon the North American Fisheries question, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram which, with his Lordship's concurrence, was sent to the Governor-General on the 24th of this month, together with a copy of a telegram which has been received from the Marquis of Lansdowne in reply.

I am, &c.

(Signed)

JOHN BRAMSTON.

Inclosure 1 in No. 57.

Sir H. Holland to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, February 24, 1887.

YOUR despatch of the 1st February has been carefully considered by Her Majesty's Government, who will communicate with the United States' Government in general accordance with views of your Ministers upon Bayard's proposal for Mixed Commission. There are, however, one or two points on which a further communication will be made to you.

Her Majesty's Government feel it right to intimate to you that, after much consideration of the whole subject, while endeavouring to bring about the *ad interim* arrangement, they are disposed to think that the best and simplest solution of present difficulties might be found if both parties would agree to revert to the condition of things existing under the Treaty of Washington, the fisheries being again thrown reciprocally open, and fish and fish products being again reciprocally admitted duty free. This arrangement, if not permanent, to subsist at least for a term, so as to admit of the discussion of more extended commercial arrangements. They think, however, that it would be the clear interest of the Dominion to offer this arrangement without any suggestion of pecuniary indemnity.

Inclosure 2 in No. 57.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

Ottawa, February 26, 1887.

IN reply to your telegram of the 24th February, my Government will accept your suggestion of reverting temporarily to condition of things existing under the Treaty of Washington, and do not at present desire to raise question of indemnity.

No. 58.

Sir L. West to the Marquis of Salisbury.—(Received March 4.)

My Lord,

Washington, February 21, 1887.

I HAVE already reported to your Lordship the nature of the so-called retaliation Bills which have been introduced into both Houses of Congress, and are still under discussion. In commenting upon the House Bill, which goes further in the way of interference with trade with Canada than the Senate Bill, the "Nation" newspaper of New York remarks that it goes further even than the fishing fraternity desire or approve. The latter would be content with the entire exclusion of Canadian fish from American markets. A monopoly of the fish trade is what they are striving for, and as no monopoly could be more complete than prohibition, they appear not to favour the more drastic measure, the operation of which would, whenever put in force, produce a vociferous outcry all along the border from Passamaquoddy Bay to Paget Sound. "The stoppage of a traffic amounting to more than 70,000,000 dollars per year in order to secure justice respecting a few codfish would be like firing a Columbiad gun to kill a mosquito. The recoil would be far more destructive than the discharge. Why not submit the difficulty to arbitration? But it is said the United States were cheated out of their money by the Halifax Award. If that is true, was not England cheated by the Geneva Award? What has become of the surplus of the 15,000,000 dollars after paying the Alabama claims? Was this overplus greater or less than the 5,500,000 dollars paid by the United States for the Halifax Award? If it was greater, the United States paid it with British gold and had something left over."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Sir L. West to the Marquis of Salisbury.—(Received March 10.)

My Lord,

Washington, February 24, 1887.

I HAVE the honour to inclose to your Lordship herewith copies of the retaliatory Bill as passed by the House of Representatives yesterday by a vote of 252 to 1.

This Bill is a substitute for the Senate Bill, and authorizes the stopping of cars carrying goods in transit, provided for under Article XXIX of the Treaty of 1871. This clause, it was objected, would be in violation of the Treaty, and was an evasion unworthy of a civilized country.

The Senate Bill, on the contrary, was retorsion—it was retaliation in kind—always the most efficient. The House, however, refused to adopt the argument, and adhered to the substitute Bill, which was unanimously carried.

I have the honour to inclose a précis which I have made of the debate.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 59.

Extract from the "Congressional Record" of February 25, 1887.

STRIKE out all after the enacting clause and insert:—

"That hereafter, whenever the President shall be satisfied that vessels of the United States are denied, in ports or territorial waters of the British dominions in North America, rights to which such vessels are entitled by Treaty or by the law of nations, or are denied the comity of treatment or the reasonable privileges usually accorded between neighbouring and friendly nations, he may, in his discretion, by Proclamation, prohibit from entering the ports of the United States, or from exercising such privileges therein as he may, in his discretion, by such Proclamation, define, vessels owned wholly or in part by a subject of Her Britannic Majesty, and coming or arriving from any port or place in the Dominion of Canada, or in the Island of Newfoundland, whether directly or having touched at any other port, excepting such vessel shall be in distress of navigation and of needed repairs or supplies therefor; and he may also forbid the entrance or importation, either by land or water, into the United States of any goods, wares, or merchandize from the aforesaid Dominion of Canada or Newfoundland, or any locomotive, car, or other vehicle with any goods that may be therein contained from the Dominion of Canada; and upon proof that the privileges secured by Article XXIX of the Treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied as to goods, wares, and merchandize arriving at the ports of British North America, the President may also, by Proclamation, forbid the exercise of the like privileges as to goods, wares, and merchandize arriving in any of the ports of the United States; and any person violating or attempting to violate the provisions of any Proclamation issued under this Act, and any person preventing or attempting to prevent any officer of the United States from enforcing such Proclamation shall be guilty of a misdemeanour, and upon conviction thereof shall be liable to a fine of not more than 1,000 dollars, or imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the Court; and if, on and after the date at which such Proclamation takes effect, the master or other person in charge of any vessel thereby excluded from the ports of the United States, shall do, in the ports, harbours, or waters of the United States, for or on account of such vessel, any act forbidden by such Proclamation aforesaid, such vessel and its rigging, tackle, furniture, and boats, and all the goods on board shall be liable to seizure and forfeiture to the United States; and any goods, wares, or merchandize, and any car, locomotive, or other vehicle coming into the United States in violation of any Proclamation as aforesaid shall be seized and forfeited to the United States.

"Sec. 2. That whenever, after the issuance of a Proclamation under this Act, the President is satisfied that the denial of rights and privileges on which his Proclamation was based no longer exists, he may withdraw the Proclamation, or so much thereof as he may deem proper, and reissue the same thereafter when in his judgment the same shall be necessary."

Inclosure 2 in No. 59.

Précis of Debate on the Canadian Non-Intercourse Bill.

Mr. Belmont, Chairman of the Committee on Foreign Relations, said that the Fishery question demanded the serious consideration of the country. It was not a mere commercial question, but one involving a submission to repeated violations of a Treaty. The Treaty of 1783 declared independence, defined boundaries, and was permanent in its provisions. It conferred also certain rights to deep-sea fisheries and liberties to inshore fisheries, and this distinction between rights to deep-sea fisheries and liberties to inshore fisheries had been maintained in all negotiations. The war of 1812 did not disturb these rights, nor were the fisheries mentioned in any of the Articles of the Treaty of Ghent in 1814. The fishery disputes, however, arising out of the system of non-commercial intercourse existing at that time, led to the Treaty of 1818.

Following upon the Treaty of 1818 were certain concerted legislative enactments, which finally put an end to the non-commercial intercourse. But, in the meanwhile, recourse had been had to retaliatory measures, and in 1827 *Mr. Adams* issued a Proclamation, which was applicable under present circumstances, declaring trade with the British Colonies prohibited, and reviving the restrictions of the Acts of 1818 and the following years. This was in consequence of American vessels having been interdicted from entering British colonial ports in 1826. Under the succeeding Administration, negotiations ensued by which the restrictions on both sides were withdrawn. There is, therefore, a precedent for interdiction of colonial commerce, not as a war measure, but as an incident to a negotiation by which a relief from prior restrictions was obtained.

There is no desire or intention of entering the prohibited waters as defined in the Treaty of 1818, but it is asked that that Treaty be interpreted according to its provisions, which refer only to inshore fisheries. The purpose of the Canadian Government is to strain the Treaty of 1818 to cover deep-sea fishing, and virtually to make the deep-sea fisheries territorial waters of Great Britain covered by the restrictions of the Treaty of 1818 upon inshore fisheries. This purpose is apparent from their legislative enactments of 1844, 1868, 1870, and, finally, the Act against the Proclamation of which by the Queen the United States protested in London. He then quotes *Mr. Bayard's* note of the 29th May, 1886, to *Sir L. West*, notwithstanding which the Act was proclaimed.

He then proceeds to enumerate the vessels which have been driven from Canadian ports in storm and stress of weather, and those which have been refused the privilege of landing to buy provisions, and says that, after the adjournment of Congress, the Canadian Statute may be still more vigorously enforced, and that, for this reason, power of defensive retaliation must be conferred upon the President. He objects to the Senate Bill, which provides that the President shall issue his Proclamation in case he is satisfied that American vessels are denied the rights granted to most favoured nations.

But he went on to say the United States have no Treaty with Great Britain containing any favoured nation clause, nor were the United States prepared to put themselves upon the same footing as any other nation, since under the Treaty of Peace they had certain rights to deep-sea fisheries, rights acquired by joint conquest, rights which no other nation, excepting Great Britain and themselves, possessed. The power conferred on the President should be conferred in distinct terms as regards the transit trade and its interdiction, because Canada, under Article XXIX of the Treaty of 1871, claims the right to send merchandize through the territory of the United States in sealed cars during the winter, when her own ports are closed. The Bill under discussion provided for the stoppage of railway cars, and how necessary this might be is seen from a passage in an article from the "*Quarterly Review*," to the effect that commerce fortunately can, by sealed cars and bonding arrangements, afford to disregard political boundaries. He therefore advocated the substitute Bill under consideration.

In answer to a question as to the meaning of the words, "vessels owned wholly or in part by a subject of Her Britannic Majesty," *Mr. Belmont* said that, if vessels under the British flag were simply shut out, it would not be sufficient, as there might be a transfer of ownership, and that American citizens might perhaps come to some arrangement for their own interests with their Canadian neighbours, and that, for this reason, the words, "wholly or in part," had been inserted in the Bill.

Mr. Rice contended, as was argued by *Mr. Phelps*, that American fishing-vessels sailing from American ports for deep-sea fishing had an unquestionable right, if provided with proper permits, to touch at Canadian ports for trading purposes, or to procure bait or other supplies like other vessels. The New England fishermen did not want to go into

Canadian waters or to interfere with the inshore fisheries. If, however, the Canadian Government shuts out American vessels fishing in the deep seas who go into Canadian ports for the purpose of buying supplies, upon the sale of which many of their poor people live, let them do it. The United States say that there is no provision that American vessels shall not go there. They say there is, and that is the question upon which the two Governments have joined issue. "They shut American fishing-vessels out of their ports, and we shut their fish out of our markets."

The Senate Bill, he contended, by which the President was authorized to prohibit all Canadian vessels from coming into American ports and the importation of all Canadian-caught fish and all Canadian products, was sufficient, and went far enough. He advocated therefore the adoption of the Senate Bill.

Mr. Davis maintained that the claim now, for the first time, made, that American fishing-vessels are by the terms of the Treaty of 1818 prohibited from commercial intercourse with British North America, is unfounded. If, he said, Great Britain is determined to sustain the Canadian authorities in a policy of commercial non-intercourse with a class of American vessels engaged in a legal and laudable occupation wholly without her jurisdiction, we must prove to her that such policy will be inconvenient and injurious to her interests. But the representations of the United States' Government have been wholly futile. No adequate reply has been vouchsafed, and it is now full time to vindicate by other steps our rights, interest, and honour. The character of the retaliatory legislation proposed was in harmony with international law and numerous precedents.

Mr. Dingley said that if the United States' Government was right in assuming that the legislative arrangement with Great Britain obliges the United States to extend commercial privileges to the fishing-vessels of Canada in return for similar privileges granted to American vessels by Canada, then it becomes necessary to arm the President with authority to withdraw such privileges from Canadian fishing-vessels when and so long as Canada declines to concede them to fishing-vessels of the United States.

Mr. Hitt attacked the Secretary of State for his subserviency to the British Government in the matter of the temporary arrangement, which, he said, would have been a repetition of the Halifax Commission. Retaliatory measures had become necessary, but he strongly objected to the clause in the Bill providing for stopping locomotives and cars from coming from Canada, which, he said, had a hidden purpose, namely, to defy a Treaty and violate national faith. Under the XXIXth Article of the Treaty of 1871 with Great Britain, goods in transit have a right to go either way through the United States to Canada from American seaports, or through Canada to the United States from Canadian seaports, or the reverse.

Goods in transit are therefore allowed to go through by the Treaty, and the only way it can be done away with is to give two years' notice for its termination. One party to it cannot be held to grant the privilege or right when the other denies it. It expires when violated. But it is intended to reach it by this clause, which adroitly includes cars and locomotives among the things that may be stopped, though they are loaded with goods in transit under Treaty through the United States. The goods may go, but the cars which carry them must not.

"Now," said *Mr. Hitt*, "if such a proposition as that were presented by some crafty savage Chief in making a Treaty he would be laughed at, and yet it is deliberately proposed to the American Congress in order to evade and set at naught, not to violate squarely, a Treaty which is admitted to be in force."

He then proceeded to point out the inconvenience and delay which would be caused by adopting this clause which the Senate had almost unanimously rejected in their Bill, and would probably reject again when sent up to them by the House. A Conference must then ensue, the outcome of which was doubtful.

No. 60.

Sir L. West to the Marquis of Salisbury.—(Received March 10.)

(Extract.)

Washington, February 25, 1887.

I HAVE the honour to inclose to your Lordship herewith copies of a Resolution submitted to the Senate yesterday against negotiations with Great Britain having for object any change in existing duties on imports.

Inclosure in No. 60.

Extract from the "Congressional Record" of February 25, 1887.

RECIPROCITY TREATY WITH CANADA.

Mr. Hoar.—I ask leave to submit a Resolution to go over under the Rules:—

Resolved,—That it is the judgment of the Senate that under present circumstances no negotiation should be undertaken with Great Britain in regard to existing difficulties with her Province of Canada, which has for its object the reduction, change, or abolition of any of our existing duties on imports.

No. 61.

Sir L. West to the Marquis of Salisbury.—(Received March 10.)

My Lord,

Washington, February 27, 1887.

WITH reference to my despatch of the 25th instant, I have the honour to inclose to your Lordship herewith a short précis which I have made of the speeches of Senators Hoar, Morgan, and Morrill on the Resolution, copies of which were inclosed therein.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 61.

Précis of Debate on Non-Reciprocity Resolution in the Senate.

Mr. Hoar said that his Resolution did not undertake to deal with any question of general principle as to existing duties, but it simply affirmed that, in the judgment of the Senate, the present conduct of Canada in regard to American fishing-vessels ought not to be met by a modification of duties merely, and that the attempt to force a change ought to be resisted. The Resolution, moreover, did not affirm opposition to any change of duties or even to Reciprocity Treaties, but simply that it is no time to negotiate with Great Britain for a modification of customs duties when the question of the mal-treatment of American vessels has to be dealt with.

Mr. Morgan said that he apprehended that the object of the Resolution was to forestall the President and Department of State in negotiations for a Treaty with Great Britain. It has repeatedly been asserted that a Treaty arrangement for reciprocity which modified the Tariff Laws of the United States, or which would prevent their modification by an Act of Congress, was in itself unconstitutional. He did not concur in the length and breadth of that proposition, nor was he prepared to vote that a Treaty of reciprocity between the United States and Canada would not be a beneficial Treaty to both countries. There might be a Reciprocity Treaty that would be of very great benefit to both countries, but this Resolution proposed to commit the Senate in advance to a broad, firm, unyielding declaration that no reciprocity shall exist between the United States and Canada, which, if run to its logical consequences, would compel the abandonment of the advantages obtained under the Treaty of Washington. He deprecated the discussion of so grave a matter at the close of the Session, and objected that the Senate of the United States has no right, either as a legislative body or as a separate body, to interfere in advance with negotiations between this country and any other country. He objected, moreover, to relieving the President from his constitutional duty of concluding such negotiations as may benefit the country, or to interfering with the exercise of his constitutional Powers so as to anticipate any result, and compel him either to come to a certain conclusion in his negotiations, or to avoid a certain conclusion. This disposition on the part of the Senate he pronounced pragmatism and unwarranted.

Mr. Morrill denied the constitutional power of the President even with the aid of the Senate to negotiate a Reciprocity Treaty with Canada, and make it binding as the supreme law of the land. If he may do it with one nation he may do it with all, and thus usurp the entire power of the House of Representatives as to the introduction and consideration of revenue Bills. He then proceeded to argue that any advantageous Treaty with Canada was impossible, for he believed that Reciprocity Treaties were in direct conflict with the

"most-favoured-nation" clause of existing Treaties. To undertake, therefore, to have a Reciprocity Treaty with any nation by which more favours are given to one than to another would be in violation of existing Treaty obligations. Beyond this, any Treaty with Canada has to be made with the condition that the same favours that Canada grants are to be granted to Great Britain, thereby making the whole stipulation utterly valueless so far as the United States are concerned, unless American labour is put upon the level of that of Great Britain in order to undersell in Canada.

Mr. Hoar replied that the question of the general policy of Reciprocity Treaties was not involved in this Resolution. It was only intended against the attempt of Canada to compel the United States to open their market to Canadian fishermen, an attempt which is clearly indicated in a speech of *Sir John Macdonald*, who declared that his policy was to compel the United States to open their markets, and that if he persisted in it the Canadian people might confide in him, and that the result should be accomplished. It was to defeat this attempt that his Resolution was directed. He did not intend to press a division, and would allow it to go over under the assurance that the Finance Committee, to which it was referred, would deal with it at once.

No. 62.

Mr. Bramston to Sir J. Pouncefote.—(Received March 14.)

Sir,

Downing Street, March 12, 1887.

WITH reference to previous correspondence relating to the North American Fisheries question, I am directed by Secretary *Sir Henry Holland* to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram which was sent to the Governor-General of Canada on the 8th instant, upon the subject of the proposal contained in the 3rd Article of the basis of an arrangement recently suggested on behalf of the United States' Government by *Mr. Bayard*.

I am also to inclose the decypher of a telegram which has been received from the Governor-General in reply.

Sir Henry Holland, as at present advised, is disposed to think that there is considerable force in the Governor-General's observations relating to the difficulty which, owing to the extent of coast-line, would be experienced in the cases of vessels seized being promptly dealt with by the national vessels referred to.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 62.

Sir H. Holland to the Marquis of Lansdowne.

(Telegraphic.)

March 8, 1887.

BAYARD'S Arrangement, Article 3.

If last sentence of Article omitted we think joint action of cruisers desirable, and Canadian jurisdiction might be preserved by provision that unless officers agree to release, vessel shall be sent to Halifax. We would also omit words in second sentence defining violations of Convention.

Inclosure 2 in No. 62.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

March 10, 1887.

YOUR telegram of 8th.

Final answer cannot be sent for two or three days. Some of our objections removed by your amendments, but fear that the national vessels would not be accessible when required, owing to length of coast-line, about 3,000 miles, to be protected. This would occasion prolonged detention of seized vessels. We also doubt whether naval officer would be competent to deal with disputed points of law which would be undoubtedly raised.

Sir L. West to the Marquis of Salisbury.—(Received March 15.)

My Lord,

Washington, March 1, 1887.

IN consequence of the action of the House of Representatives in passing the Retaliatory Bill, as reported in my despatch of the 24th ultimo, a conference was appointed upon the disagreeing votes, and the Report of the Managers on the part of the Senate of the Conference was read to that body on the 28th ultimo.

The irreconcilable point of difference, says the Report, on the part of the two Houses is the insistence on the part of the House Managers upon adding to the scope of the Senate Bill and so going beyond it the further provision that in case of injurious treatment to American vessels in British North American waters, it shall be within the competence of the President to absolutely stop intercourse, not only by water, but by land, between the people of the United States and the people of the British territories adjacent, thus cutting off the continuous movement of railway trains from the British provinces to any part of the United States, and, in effect, reciprocally from the United States to the British dominions at all places where there now exist interior railroad lines crossing the boundaries of the two countries, in some cases operated and practically owned by British subjects, and in other cases by American citizens. The Senate Managers have felt it to be a duty to decline to go to this extent. It seems clear to them, and has not been controverted by the House Managers, that the things the President is authorized to do by the Senate Bill in the cases named are none of them in derogation, either directly or indirectly, of any Treaty right or of the peaceful business intercourse of nations, but that the Government in these respects is absolutely free to act in the manner proposed without being subject to the imputation that it is either in any way infringing the most liberal interpretation of any Treaty, or doing any act that nations at peace have not hitherto found themselves from time to time justified in doing, not in a spirit of belligerency, but merely as a matter of countervailing business regulations.

The result of the conference, therefore, has been that the House of Representatives declines to accept the Senate Bill unless provisions are made which the Senate believes to be unwise.

The Report concludes by laying down the principle upon which the two Houses have hitherto acted, namely, that when either House proposes legislation that is satisfactory to the other as far as it goes, and the other House desires to go further and make affirmative and additional law, if it cannot convince its co-ordinate body that it is desirable to go further, the House proposing the affirmative additional legislation must recede.

The pretension, therefore, of the House in the present case is quite untenable.

I have the honour to inclose to your Lordship herewith a précis of Senator Morgan's speech on the Report of the Senate Managers of the Conference.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 63.

Précis of Senator Morgan's Speech on the Senate Managers' Report on the Retaliatory Bills.

SENATOR MORGAN said that the only difficulty in coming to a final arrangement was the apprehension of the Senate Conferees that the proposition submitted by the House would lead to a belligerent conflict with an existing Treaty between Great Britain and the United States. There was no agreement between the two countries in respect to commercial rights except under statute and legislation, and in one particular under Article XXIX of the Treaty of Washington, and it was clearly the duty of the Senate to consider the question whether the proposition of the House was a violation of that Treaty, or whether it might be considered as a threat of the violation of it.

The Committee cannot sanction the proposition.

It is said that the Administration is in favour of it, but he could scarcely think that, in view of the power conferred on the President by the Senate Bill, the Administration sought also the power to prohibit intercourse between the United States and the people of Canada. He could not, he said, conceive any act of legislation or any act of

diplomacy that can be named which is as near the border-line of belligerency as that of prohibiting intercourse and communication between the people of two countries.

Proclaim non-intercourse between father and son, families, friends, merchants, traders, railroad officers, between the United States and Canada, as a measure of retaliation because of injury done to the fisheries, or anything else, and how long can a position so strenuous, so dangerous, and so belligerent, be sustained? A greater power could not be put in the hands of Great Britain than merely to make a Proclamation in this country that the best means to prevent aggression on the fishing interests would be absolute non-intercourse, personal non-intercourse between the people of Canada and the United States. It could not be sustained for three months, perhaps not for three weeks, in the absence of actual hostilities.

He then proceeded to say that as far as the House of Representatives was concerned as claiming for themselves that they are the more immediate representatives of the people than the Senate, he denied it. They are not so in heart or in sentiment. They are not so in any other respect.

The Senate had done all that was necessary under the circumstances, and the Bill they had passed was sufficient, and gave sufficient power to the President. But the power which is demanded as the one supreme thing to be insisted upon is the power to proceed to the very last line of friendly action towards Great Britain, the power next to which only can come the loading of guns and the array of men under arms.

No. 64.

Sir L. West to the Marquis of Salisbury.—(Received March 15.)

My Lord,

Washington, March 2, 1887.

WITH reference to my preceding despatch, I have the honour to inclose to your Lordship herewith copies of the Report of the House Conferees on the Retaliatory Bills, and of the Report of the debate thereupon.*

It will be seen that the House maintains its attitude towards the Senate by refusing to accept the Bill of that body.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 65.

Sir L. West to the Marquis of Salisbury.—(Received March 16.)

My Lord,

Washington, March 3, 1887.

WITH reference to my despatch of the 2nd instant, I have the honour to inform your Lordship that the House of Representatives yesterday receded from their amendments to the Senate Retaliatory Bill by a vote of 149 to 134, and the Senate Bill was passed.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 66.

Sir J. Pauncefote to Sir R. Herbert.

Sir,

Foreign Office, March 19, 1887.

I AM directed by the Marquis of Salisbury to transmit to you, to be laid before Sir H. Holland, copies of despatches, as marked in the margin,† on the subject of the proposed Retaliatory Bills introduced into the United States' Legislative Chambers in connection with the North American Fisheries question.

I am to suggest that it may be advisable to ascertain the views of the Canadian Government as to the bearing of Article XXIX of the Treaty of Washington upon this subject.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

* Not printed.

† Nos. 59, 60, and 61.

No. 67.

Mr. Bramston to Sir J. Pauncefote.—(Received March 19.)

Sir,

Downing Street, March 18, 1887.

I AM directed by Secretary Sir Henry Holland to acknowledge the receipt of your letter of the 25th February last* relating to the North American Fisheries question, and inclosing a copy of a despatch from Her Majesty's Minister at Washington, with a copy of a Bill which the Secretary to the Treasury of the United States proposes to substitute for the Belmont Bill.

With reference to the question raised by the Secretary to the Treasury, and referred to in the concluding paragraph of Sir L. West's despatch, as to whether Article XXIX of the Treaty of Washington is still in force, I am to state that the Article was not one which was subject to termination under Article XXXIII, and Sir Henry Holland presumes that it is still in force; but he would be glad to know the opinion of the Marquis of Salisbury as to the effect of any legislation of the United States affecting that Article.

Should there be any doubt as to whether this Article is in force or not, it might be advisable to consult the Law Officers of the Crown.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 68.

The Marquis of Salisbury to Sir L. West.

Sir,

Foreign Office, March 19, 1887.

WITH reference to my predecessor's despatch of the 11th January last, I transmit to you herewith, for communication to the United States' Government, a copy of a further despatch from the Governor-General of Canada relative to the cases of the American fishing-vessels "Pearl Nelson" and "Everett Steele."†

I am, &c.

(Signed) SALISBURY

No. 69.

The Marquis of Salisbury to Mr. White.

Sir,

Foreign Office, March 24, 1887.

IN a note of the 3rd December last, addressed to my predecessor, Mr. Phelps was good enough to transmit a copy of a despatch from Mr. Bayard, dated the 15th of the preceding month, together with an outline of a proposed *ad interim* arrangement "for the settlement of all questions in dispute in relation to the fisheries on the north-eastern coasts of British North America."

Her Majesty's Government have given their most careful consideration to that communication, and it has also received the fullest examination at the hands of the Canadian Government, who entirely share the satisfaction felt by Her Majesty's Government at any indication on the part of that of the United States of a disposition to make arrangements which might tend to put the affairs of the two countries on a basis more free from controversy and misunderstanding than unfortunately exists at present. The Canadian Government, however, deprecate several passages in Mr. Bayard's despatch which attribute unfriendly motives to their proceedings, and in which the character and scope of the measures they have taken to enforce the terms of the Convention of 1818 are, as they believe, entirely misapprehended.

They insist that nothing has been done on the part of the Canadian authorities since the termination of the Treaty of Washington in any such spirit as that which Mr. Bayard condemns, and that all that has been done with a view to the protection of the Canadian fisheries has been simply for the purpose of guarding the rights guaranteed to the people of Canada by the Convention of 1818, and of enforcing the Statutes of Great Britain and of Canada in relation to the fisheries. They maintain that such Statutes are clearly within the powers of the respective Parliaments by which they were passed, and are in conformity with the Convention of 1818,

* See p. 80.

† Inclosures in No. 56.

especially in view of the passage of the Convention which provides that the American fishermen shall be under such restrictions as shall be necessary to prevent them from abusing the privileges thereby reserved to them.

There is a passage in Mr. Bayard's despatch to which they have particularly called the attention of Her Majesty's Government. It is the following :—

"The numerous seizures made have been of vessels quietly at anchor in established ports of entry, under charges which up to this day have not been particularized sufficiently to allow of intelligent defence; not one has been condemned after trial and hearing, but many have been fined, without hearing or judgment, for technical violation of alleged Commercial Regulations, although all commercial privileges have been simultaneously denied to them."

In relation to this paragraph the Canadian Government observe that the seizures of which Mr. Bayard complains have been made upon grounds which have been distinctly and unequivocally stated in every case; that, although the nature of the charges has been invariably specified and duly announced, those charges have not in any case been answered; that ample opportunity has in every case been afforded for a defence to be submitted to the Executive authorities, but that no defence has been offered beyond the mere denial of the right of the Canadian Government; that the Courts of the various provinces have been open to the parties said to have been aggrieved, but that not one of them has resorted to those Courts for redress. To this it is added that the illegal acts which are characterized by Mr. Bayard as "technical violations of alleged Commercial Regulations," involved breaches, in most of the cases not denied by the persons who had committed them, of established Commercial Regulations which, far from being specially directed or enforced against citizens of the United States, are obligatory upon all vessels (including those of Canada herself) which resort to the harbours of the British North American coast.

I have thought it right, in justice to the Canadian Government, to embody in this note almost in their own terms their refutation of the charges brought against them by Mr. Bayard; but I would prefer not to dwell on this part of the controversy, but to proceed at once to the consideration of the six Articles of Mr. Bayard's Memorandum in which the proposals of your Government are embodied.

Mr. Bayard states that he is "encouraged in the expectation that the propositions embodied in the Memorandum will be acceptable to Her Majesty's Government, because, in the month of April 1866, Mr. Seward, then Secretary of State, sent forward to Mr. Adams, at that time United States' Minister in London, the draft of a Protocol which, in substance, coincides with the 1st Article of the proposal now submitted."

Article 1 of the Memorandum no doubt to some extent resembles the draft Protocol submitted in 1866 by Mr. Adams to Lord Clarendon (of which I inclose a copy for convenience of reference), but it contains some important departures from its terms.

Nevertheless, the Article comprises the elements of a possible accord, and if it stood alone I have little doubt that it might be so modelled, with the concurrence of your Government, as to present an acceptable basis of negotiation to both parties. But, unfortunately, it is followed by other Articles which, in the view of Her Majesty's Government and that of Canada, would give rise to endless and unprofitable discussion, and which, if retained, would be fatal to the prospect of any satisfactory arrangement, inasmuch as they appear, as a whole, to be based on the assumption that upon the most important points in the controversy the views entertained by Her Majesty's Government and that of Canada are wrong, and those of the United States' Government are right, and to imply an admission by Her Majesty's Government and that of Canada that such assumption is well founded.

I should extend the present note to an undue length were I to attempt to discuss in it each of the Articles of Mr. Bayard's Memorandum, and to explain the grounds on which Her Majesty's Government feel compelled to take exception to them. I have therefore thought it more convenient to do so in the form of a counter-Memorandum, which I have the honour to inclose, and in which will be found, in parallel columns, the Articles of Mr. Bayard's Memorandum, and the observations of Her Majesty's Government thereon.

Although, as you will perceive on a perusal of those observations, the proposal of your Government as it now stands is not one which could be accepted by Her Majesty's Government, still Her Majesty's Government are glad to think that the fact of such a proposal having been made affords an opportunity which, up to the present time, had not been offered for an amicable comparison of the views entertained by the respective Governments.

The main principle of that proposal is that a Mixed Commission should be appointed for the purpose of determining the limits of those territorial waters within which, subject to the stipulations of the Convention of 1818, the exclusive right of fishing belongs to Great Britain.

Her Majesty's Government cordially agree with your Government in believing that a determination of these limits would, whatever may be the future commercial relations between Canada and the United States, either in respect of the fishing industry or in regard to the interchange of other commodities, be extremely desirable, and they will be found ready to co-operate with your Government in effecting such a settlement.

They are of opinion that Mr. Bayard was justified in reverting to the precedent afforded by the negotiations which took place upon this subject between Great Britain and the United States after the expiration of the Reciprocity Treaty of 1854, and they concur with him in believing that the draft Protocol communicated by Mr. Adams in 1866 to the Earl of Clarendon affords a valuable indication of the lines upon which a negotiation directed to the same points might now be allowed to proceed.

Mr. Bayard has himself pointed out that its concluding paragraph, to which Lord Clarendon emphatically objected, is not contained in the 1st Article of the Memorandum now forwarded by him; but he appears to have lost sight of the fact that the remaining Articles of that Memorandum contain stipulations not less open to objection, and calculated to affect even more disadvantageously the permanent interests of the Dominion in the fisheries adjacent to its coasts.

There can be no objection on the part of Her Majesty's Government to the appointment of a Mixed Commission, whose duty it would be to consider and report upon the matters referred to in the three first Articles of the draft Protocol communicated to the Earl of Clarendon by Mr. Adams in 1866.

Should a Commission instructed to deal with these subjects be appointed at an early date, the result of its investigations might be reported to the Governments affected without much loss of time. Pending the termination of the questions which it would discuss, it would be indispensable that United States' fishing-vessels entering Canadian bays and harbours should govern themselves not only according to the terms of the Convention of 1818, but by the Regulations to which they, in common with other vessels, are subject while within such waters.

Her Majesty's Government, however, have no doubt that every effort will be made to enforce those Regulations in such a manner as to cause the smallest amount of inconvenience to fishing-vessels entering Canadian ports under stress of weather, or for any other legitimate purpose.

But there is another course which Her Majesty's Government are inclined to propose, and which, in their opinion, would afford a temporary solution of the controversy equally creditable to both parties.

Her Majesty's Government have never been informed of the reasons which induced the Government of the United States to denounce the Fishery Articles of the Treaty of Washington, but they have understood that the adoption of that course was in a great degree the result of a feeling of disappointment at the Halifax Award, under which the United States were called upon to pay the sum of 1,100,000*l.*, being the estimated value of the benefits which would accrue to them, in excess of those which would be derived by Canada and Newfoundland from the operation of the Fishery Articles of the Treaty.

Her Majesty's Government and the Government of Canada, in proof of their earnest desire to treat the question in a spirit of liberality and friendship, are now willing to revert for the coming fishing season, and, if necessary, for a further term, to the condition of things existing under the Treaty of Washington, without any suggestion of pecuniary indemnity.

This is a proposal which, I trust, will commend itself to your Government as being based on that spirit of generosity and good-will which should animate two great and kindred nations, whose common origin, language, and institutions constitute as many bonds of amity and concord.

I have, &c.
(Signed) SALISBURY.

Inclosure 1 in No. 69.

Draft Protocol communicated by Mr. Adams to the Earl of Clarendon in 1866.

[See Inclosure 2 in No. 49 (Inclosure in Annex).]

Inclosure 2 in No. 69.

*Ad interim Arrangement proposed by the
United States' Government.**Observations on Mr. Bayard's Memorandum.*

ARTICLE I.

WHEREAS, in the 1st Article of the Convention between the United States and Great Britain, concluded and signed in London on the 20th October, 1818, it was agreed between the High Contracting Parties "that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, here above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground;" and was declared that "the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby

THE most important departure in this Article from the Protocol of 1866 is the interpolation of the stipulation, "that the bays and harbours from which American vessels are in future to be excluded, save for the purposes for which entrance into bays and harbours is permitted by said Article, are hereby agreed to be taken to be such harbours as are 10, or less than 10, miles in width, and the distance of 3 marine miles from such bays and harbours shall be measured from a straight line drawn across the bay or harbour in the part nearest the entrance at the first point where the width does not exceed 10 miles."

This provision would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada, and would make common fishing-grounds of territorial waters which, by the law of nations, have been invariably regarded both in Great Britain and the United States as belonging to the adjacent country. In the case, for instance, of the Baie des Chaleurs, a peculiarly well-marked and almost land-locked indentation of the Canadian coast, the 10-mile line would be drawn from points in the heart of Canadian territory, and almost 70 miles distance from the natural entrance or mouth of the bay. This would be done in spite of the fact that, both by Imperial legislation and by judicial interpretation, this bay has been declared to form a part of the territory of Canada. (See Imperial Statute 14 & 15 Vict., cap. 63; and "*Mouat v. McPhee*," 5 Sup. Court of Canada Reports, p. 66.)

The Convention with France in 1839, and similar Conventions with other European Powers, form no precedents for the adoption of a 10-mile limit. Those Conventions were doubtless passed with a view to the geographical peculiarities of the coast to which they related. They had for their object the definition of boundary-lines which, owing to the configuration of the coast, perhaps could not readily be settled by reference to the law of nations, and involve other conditions which are inapplicable to the territorial waters of Canada.

This is shown by the fact that in the

*Ad interim Arrangement proposed by the
United States' Government.*

reserved to them ;” and whereas differences have arisen in regard to the extent of the above-mentioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, agree to appoint a Mixed Commission for the following purposes, namely :—

1. To agree upon and establish by a series of lines the limits which shall separate the exclusive from the common right of fishing on the coast and in the adjacent waters of the British North American Colonies, in conformity with the 1st Article of the Convention of 1818, except that the bays and harbours from which American fishermen are in the future to be excluded, save for the purposes for which entrance into bays and harbours is permitted by said Article, are hereby agreed to be taken to be such bays and harbours as are 10 or less than 10 miles in width, and the distance of 3 marine miles from such bays and harbours shall be measured from a straight line drawn across the bay or harbour, in the part nearest the entrance, at the first point where the width does not exceed 10 miles, the said lines to be regularly numbered, duly described, and also clearly marked on Charts prepared in duplicate for the purpose.

2. To agree upon and establish such Regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said Convention to the fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and Judgment, with as little expense as possible, for the violators of rights and the transgressors of the limits and restrictions which may be hereby adopted :

Provided, however, that the limits, restrictions, and Regulations which may be agreed upon by the said Commission shall not be final, nor have any effect, until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by Treaty or by laws mutually acknowledged.

Observations on Mr. Bayard's Memorandum.

French Convention the whole of the oyster-beds in Granville Bay, otherwise called the Bay of Cancale, the entrance of which exceeds 10 miles in width, were regarded as French, and the enjoyment of them is reserved to the local fishermen.

A reference to the action of the United States' Government, and to the admission made by their statesmen in regard to bays on the American coasts, strengthens this view ; and the case of the English ship “Grange” shows that the Government of the United States in 1793 claimed Delaware Bay as being within territorial waters.

Mr. Bayard contends that the rule which he asks to have set up was adopted by the Umpire of the Commission appointed under the Convention of 1853 in the case of the United States' fishing-schooner “Washington,” that it was by him applied to the Bay of Fundy, and that it is for this reason applicable to other Canadian bays.

It is submitted, however, that as one of the headlands of the Bay of Fundy is in the territory of the United States any rules of international law applicable to that bay are not therefore equally applicable to other bays the headlands of which are both within the territory of the same Power.

The second paragraph of the 1st Article does not incorporate the exact language of the Convention of 1818. For instance, the words, “and for no other purpose whatever,” should be inserted after the mention of the purposes for which vessels may enter Canadian waters, and after the words, “as may be necessary to prevent,” should be inserted, “their taking, drying, or curing fish therein, or in any other manner abusing the privileges reserved,” &c.

To make the language conform correctly to the Convention of 1818, several other verbal alterations, which need not be enumerated here, would be necessary.

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United States' Government.*

Observations on Mr. Bayard's Memorandum.

ARTICLE II.

Pending a definitive arrangement on the subject, Her Britannic Majesty's Government agree to instruct the proper Colonial and other British officers to abstain from seizing or molesting fishing-vessels of the United States unless they are found within 3 marine miles of any of the coasts, bays, creeks, and harbours of Her Britannic Majesty's dominions in America, there fishing, or to have been fishing or preparing to fish within those limits, not included within the limits within which, under the Treaty of 1818, the fishermen of the United States continue to retain a common right of fishery with Her Britannic Majesty's subjects.

This Article would suspend the operation of the Statutes of Great Britain and of Canada, and of the provinces now constituting Canada, not only as to the various offences connected with fishing, but as to Customs, harbours, and shipping, and would give to the fishing-vessels of the United States privileges in Canadian ports which are not enjoyed by vessels of any other class, or of any other nation. Such vessels would, for example, be free from the duty of reporting at the Customs on entering a Canadian harbour, and no safeguard could be adopted to prevent infraction of the Customs Laws by any vessel asserting the character of a fishing-vessel of the United States.

Instead of allowing to such vessels merely the restricted privileges reserved by the Convention of 1818, it would give them greater privileges than are enjoyed at the present time by any vessels in any part of the world.

ARTICLE III.

For the purpose of executing Article I of the Convention of 1818, the Government of the United States and the Government of Her Britannic Majesty hereby agree to send each to the Gulf of St. Lawrence a national vessel, and also one each to cruise during the fishing season on the southern coasts of Nova Scotia. Whenever a fishing-vessel of the United States shall be seized for violating the provisions of the aforesaid Convention by fishing or preparing to fish within 3 marine miles of any of the coasts, bays, creeks, and harbours of Her Britannic Majesty's dominions included within the limits within which fishing is by the terms of the said Convention renounced, such vessel shall forthwith be reported to the officer in command of one of the said national vessels, who, in conjunction with the officer in command of another of said vessels of different nationality, shall hear and examine into the facts of the case. Should the said commanding officers be of opinion that the charge is not sustained, the vessel shall be released. But if they should be of opinion that the vessel should be subjected to a judicial examination, she shall forthwith be sent for trial before the Vice-Admiralty Court at Halifax. If, however, the said commanding officers should differ in opinion, they shall name some third person to act as Umpire between them, and should they be unable

This Article would deprive the Courts in Canada of their jurisdiction, and would vest that jurisdiction in a Tribunal not bound by legal principles, but clothed with supreme authority to decide on most important rights of the Canadian people.

It would submit such rights to the adjudication of two naval officers, one of them belonging to a foreign country, who, if they should disagree and be unable to choose an Umpire, must refer the final decision of the great interests which might be at stake to some person chosen by lot.

If a vessel charged with infraction of Canadian fishing rights should be thought worthy of being subjected to a "judicial examination," she would be sent to the Vice-Admiralty Court at Halifax, but there would be no redress, no appeal, and no reference to any Tribunal if the officers should think proper to release her.

It should, however, be observed that the limitation in the second sentence of this Article of the violations of the Convention which are to render a vessel liable to seizure could not be accepted by Her Majesty's Government.

For these reasons, the Article in the form proposed is inadmissible, but Her Majesty's Government are not indisposed to agree to the principle of a joint inquiry by the naval officers of the two countries in the first instance, the vessel to be sent

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to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Umpire.

ARTICLE IV.

The fishing-vessels of the United States shall have in the established ports of entry of Her Britannic Majesty's dominions in America the same commercial privileges as other vessels of the United States, including the purchase of bait and other supplies; and such privileges shall be exercised subject to the same Rules and Regulations and payment of the same port charges as are prescribed for other vessels of the United States.

ARTICLE V.

The Government of Her Britannic Majesty agree to release all United States' fishing-vessels now under seizure for failing to report at custom-houses when seeking shelter, repairs, or supplies, and to refund all fines exacted for such failure to report. And the High Contracting Parties agree to appoint a Joint Commission to ascertain the amount of damage caused to American fishermen during the year 1886 by seizure and detention in violation of the Treaty of 1818, said Commission to make awards therefor to the parties injured.

ARTICLE VI.

The Government of the United States and the Government of Her Britannic Majesty agree to give concurrent notification and warning of Canadian Customs Regulations, and the United States agrees to admonish its fishermen to comply with them and co-operate in securing their enforcement.

Observations on Mr. Bayard's Memorandum.

for trial at Halifax if the naval officers do not agree that she should be released.

They fear, however, that there would be serious practical difficulties in giving effect to this arrangement, owing to the great length of coast, and the delays, which must in consequence be frequent, in securing the presence at the same time and place of the naval officers of both Powers.

This Article is also open to grave objection. It proposes to give the United States' fishing-vessels the same commercial privileges as those to which other vessels of the United States are entitled, although such privileges are expressly renounced by the Convention of 1818 on behalf of fishing-vessels, which were thereafter to be denied the right of access to Canadian waters for any purpose whatever, except those of shelter, repairs, and the purchase of wood and water. It has frequently been pointed out that an attempt was made, during the negotiations which preceded the Convention of 1818, to obtain for the fishermen of the United States the right of obtaining bait in Canadian waters, and that this attempt was successfully resisted. In spite of this fact, it is proposed, under this Article, to declare that the Convention of 1818 gave that privilege, as well as the privilege of purchasing other supplies in the harbours of the Dominion.

By this Article it is proposed to give retrospective effect to the unjustified interpretation sought to be placed on the Convention by the last preceding Article.

It is assumed, without discussion, that all United States' fishing-vessels which have been seized since the expiration of the Treaty of Washington have been illegally seized, leaving, as the only question still open for consideration, the amount of the damages for which the Canadian authorities are liable.

Such a proposal appears to Her Majesty's Government quite inadmissible.

This Article calls for no remark.

Foreign Office to Colonial Office.

Sir,

Foreign Office, March 29, 1887.

IN reply to your letter of the 18th instant, suggesting that, if there is any doubt whether Article XXIX of the Treaty of Washington is now in force or not, it might be advisable to consult the Law Officers of the Crown, I am directed by the Marquis of Salisbury to request you to refer Sir Henry Holland to my letter of the 19th instant, and to state that his Lordship does not think there is at present any necessity for a reference to the Law Officers on this point; but that it might be desirable to obtain the opinion of the Canadian Government as to whether that Article is affected by any recent American legislation.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

Sir L. West to the Marquis of Salisbury.—(Received March 31.)

My Lord,

Washington, March 20, 1887.

I HAVE the honour to inclose to your Lordship herewith copies of a Treasury Circular calling the attention of officers of Customs and others to the provisions of the recent Acts of Congress relating to the importing and landing of mackerel caught during the spawning season, and authorizing the President to protect the rights of American fishing-vessels.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 71.

Circular.

THE FISHERIES.

*Treasury Department, Bureau of Navigation,
Washington, D.C., March 16, 1887.*

To Collectors of Customs and others,

THE attention of officers of Customs and others is invited to the provisions of the recent Acts of Congress printed below, one relating "to the importing and landing of mackerel caught during the spawning season," and the other authorizing the "President of the United States to protect the rights of American fishing-vessels, American fishermen, American trading and other vessels, in certain cases," &c.

(Signed) C. B. MORTON, *Commissioner.*

Approved:

(Signed) C. S. FAIRCHILD, *Acting Secretary.*

*An Act relating to the Importing and Landing of Mackerel caught during the
Spawning Season.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that for the period of five years from and after the 1st day of March, 1888, no mackerel, other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores; provided, however, that nothing in this Act shall be held to apply to mackerel caught with hook and line from boats, and landed in said boats, or in traps and weirs connected with the shore.

Sec. 2. That section 43,021 of the Revised Statutes is amended for the period of five years aforesaid, so as to read before the last sentence as follows: "This licence does not grant the right to fish for mackerel, other than for what is known as Spanish mackerel, between the 1st day of March and the 1st day of June, inclusive, of this year." Or in lieu

of the foregoing there shall be inserted so much of said period of time as may remain unexpired under this Act.

Sec. 3. That the penalty for the violation or attempted violation of this Act shall be forfeiture of licence on the part of the vessel engaged in said violation, if a vessel of this country, and the forfeiture to the United States, according to law, of the mackerel imported or landed, or sought to be imported or landed.

Sec. 4. That all Laws in conflict with this Law are hereby repealed.

Approved, 28th February, 1887.

An Act to authorize the President of the United States to protect and defend the Rights of American Fishing Vessels, American Fishermen, American Trading and other Vessels, in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that whenever the President of the United States shall be satisfied that American fishing-vessels or American fishermen, visiting, or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by Treaty or Law, or are or then lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, Regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing-vessels or fishermen, having a permit under the Laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same Regulations as may exist therein applicable to trading-vessels of the most-favoured nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading-vessels of the most favoured nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favoured nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by Proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such Proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such Proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this Act. Every violation of any such Proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such Proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this Act, or such Proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanour, and, on conviction thereof, shall be punished by a fine not exceeding 1,000 dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the Court.

Approved, 3rd March, 1887.

FURTHER CORRESPONDENCE respecting North
American Fisheries: 1886-87.

[In continuation of "United States No. 1, 1887:"
C. 4937.]

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. April 1887.*

LONDON :

PRINTED BY HARRISON AND SONS.

HER MAJESTY'S COLONIAL POSSESSIONS.

No. 14.

NEWFOUNDLAND.

REPORT ON THE BLUE BOOK
FOR 1886.

Presented to both Houses of Parliament by Command of Her Majesty,
June 1888.



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1888.

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No. 14.

NEWFOUNDLAND.

NEWFOUND-
LAND.

[For previous Reports, see 1885, C.—5071 ; 1884, C.—4842 ; 1883, C.—4404 ;
1881, C.—3642.]

Governor BLAKE to Sir H. T. HOLLAND.

Government House, Newfoundland,
January 17, 1888.

SIR,

I HAVE the honour to forward the Blue Book for 1886,
with the report of the Colonial Secretary.

I have, &c.,
(Signed) HENRY A. BLAKE,
Governor.

The Right Hon.
Sir H. T. Holland, Bart., G.C.M.G.,
Colonial Office.

Colonial Secretary's Office,
St. John's, Newfoundland,

MAY IT PLEASE YOUR EXCELLENCY, January 13, 1888.

I HAVE the honour to transmit herewith, for the information of Her Majesty's Government, the Blue Book of this Colony for the year 1886.

I regret that I am unable to call attention to statements exhibiting a tendency to more prosperous circumstances in the Colony than those existing in 1884 and 1885 ; on the contrary, the condition of things in 1886 was more depressed than in either of those years.

The northern districts were especially affected, principally on account of an almost total failure of the shore fishery, but also largely from a curtailment of outfit for the Labrador fishery, which left hundreds without any means of employment. A great deal of distress and poverty was thus caused, which was intensified towards the end of the year by a serious failing in the potato crop, and it became necessary for the Government to institute extensive relief works in those districts that were most seriously affected.

NEWFOUND-
LAND.*Trade.*

Under the circumstances above stated it is not surprising to find that the imports of the Colony showed a considerable decline even from the previous year. For 1886 they amounted to \$6,020,035 against \$6,698,500 for 1885 whilst for 1883 they had attained the large total of \$9,131,464. The decrease was mostly in manufactured goods from the United Kingdom, which showed a deficiency (from the previous year) of \$274,000. Articles of food supply were sold at unusually low rates and fuel stocks were imported. Flour and molasses exhibited a considerable increase, the former of something over 70,000 barrels, and the latter of 155,000 gallons. In spirits too there was an increased import of 22,600 gallons.

The exports of 1886 showed in the aggregate a small increase over those of 1885, the excess being more than accounted for by the larger quantity and enhanced price of copper and copper ore exported, the value of which in 1886 was \$247,620 against \$102,420 in 1885. The mining industry of the Colony, which at the present is chiefly confined to Little Bay, I am glad to remark, in passing, shows signs of permanent prosperity; not only has the "output" of ore increased, without any appearance of exhausting the mine, but furnaces have been erected near the mine, where the ore will be reduced to pure copper, making a large saving in the item of freight. Altogether 6,723 tons of ore, regulus, and pure copper were exported in 1886.

The export of dry cod was 1,088,004 quintals, something over 50,000 quintals in excess of 1885, and it may be pointed out as of hopeful augury that a considerable proportion of the export was the production of the bank fishery, which has become an extensive and remunerative industry, especially to the southern ports of the island.

The shipments of cod oil and seal oil were also larger in 1886 than in 1885, but with smaller margin of profits, as prices ruled much lower. Cod oil being valued at \$92 per tun as against \$112 in 1885, and seal oil at \$72 instead of \$100. The shipment of lobsters largely exceeded that of 1885, being 1,459,912 lbs., against 824,064 lbs. 818,208 lbs. found a ready market in the United Kingdom. Seal skins showed an increase of 34,005, with also a small accession of value.

The total export of the Colony for 1886 was \$4,862,951 of which the six articles above referred to, dry cod, cod oil, seal oil, seal skins, lobsters, and copper ore make up \$4,608,050.

Revenue.

The revenue for the year from all sources (excluding loans which amounted to \$719,554) and with a somewhat increased tariff was \$1,040,424, less by \$209,316 than in 1885 (the Customs alone being deficient \$148,000), whilst the total expenditure, \$1,666,662, was \$290,478 more than in 1885. This over-expen-

diture is accounted for by the large relief disbursements referred to in the second paragraph of this report.

NEWFOUND-
LAND.

Shipbuilding.

With a larger prosecution of the bank fishery has come a considerable increase in the allied industry of shipbuilding. The vessels that are built are mostly of small tonnage, 30 to 90 tons, and encouragement is given by the Government, under Act of the Legislature, by a bounty of \$2.00 per ton. The industry is chiefly confined to the northern districts where there are ample timber resources, and where it furnishes the people with employment during the winter, a season of the year when they are unable to continue fishing. The number of vessels built in 1886 was 106, having a tonnage of 3,784 tons.

Agriculture.

In the legislation of 1886 is an Act for the Promotion of Agriculture, which provides for a bounty of \$6 per acre on any land cleared for cultivation in the Colony subsequent to the passing of the Act, and also provides for the establishment of agricultural districts, where a bounty of \$20 per acre may be given to a settler for the first five acres cleared, and \$10 for each additional acre.

By an address of the Legislature, 1886, the Government were requested to construct agricultural roads in different parts of the Colony, and the necessity for relief work before referred to was made the occasion for constructing many miles of such roads.

It is expected that from these measures will result a large increase of cultivated land. Nothing tends more to the independence and comfort of the fishermen of the Colony than the cultivation by them of a few acres of land, and the Government are anxious to give every reasonable inducement to secure so desirable a result. The number of grants issued in 1886 was 260 of 3,461 acres, and 84,346 acres in addition were granted to the telegraph and railway companies under their charters.

Banks.—Savings Bank.

The business of this bank showed, as might be anticipated from the general condition of the Colony, a decrease in its deposits, but not, however, to any great extent; the amount held by the bank in 1886 was \$1,749,613.20, and in 1885 \$1,787,054.49. The number of depositors slightly increased, being 3,935 in 1886 and 3,815 in 1885. \$20,000 were added to the public debt sinking fund, which at the end of 1886 amounted to \$118,000.

The regular banking business of the Colony is all transacted by two banks, the Union and Commercial, both of which have exhibited continued growth and almost phenomenal success.

NEWFOUND-
LAND.

The Union Bank was incorporated in 1854 with a capital of \$200,000. The stock is now \$456,000, the additional capital having been created by the profits of the institution. The reserve is \$240,000 and the dividend for 1886 15^o/_o. The Commercial Bank was incorporated in 1858 with a capital of \$200,000. Its stock has since been increased to \$306,000, also by means of its profits, and its reserve is \$80,000. Dividend for last year 9^o/_o.

Education.

The returns under this head exhibit a fairly satisfactory progress. The total number of schools in the Colony supported or aided by Government grants is 517, showing an attendance of 28,581, 14,963 males and 13,618 females. The cost of each pupil to the Colony in 1886 was \$4.17, the total educational grant being \$119,642.75 (the cost of each pupil in the public schools of Ontario is \$7.01). The per-centage of the population attending school is 14.58, which, though not large, is as much as can reasonably be expected with the present insufficient grant and the exceptionally unfavourable circumstances presented by a small population scattered over some thousands of miles of coast line.

I have, &c.,
(Signed) M. FENELON,
Colonial Secretary.

His Excellency
Henry A. Blake, Esq., C.M.G.,
Governor of Newfoundland.

NEW SERIES OF REPORTS.

The following Reports relating to Her Majesty's Colonial Possessions have been issued and may be obtained from the sources indicated on the title page:—

No.	Colony.	Year.	Price.	
			<i>s.</i>	<i>d.</i>
1	Virgin Islands - - -	1886	0	1
2	Mauritius, Seychelles, and Rodriguez.	„	0	2
3	Gambia - - -	„	0	1
4	Victoria - - -	„	0	2½
5	New Zealand - - -	„	0	5
6	Tobago - - -	1887	0	1
7	Gibraltar - - -	„	0	1
8	Gold Coast (Governor's visit to the Eastern Districts).	1888	0	1
9	Heligoland - - -	1887	0	1
10	Natal - - -	„	0	1
11	Straits Settlements - -	„	0	1½
12	Gold Coast (Sanitary Reports)	—	1	4
13	Jamaica and Turks Islands -	1887	0	2½

TEMPERANCE LEGISLATION, SCOTT ACT (CANADA).

RETURN to an Address of the Honourable The House of Commons,
dated 25 April 1888;—for,

“RETURN showing (1) The Scope of the Act; (2) The Area which it covers; (3) The Counties and Cities which have adopted it; (4) Whether any Compensation was paid when the Drink Shops were Closed, and, if so, what Amounts were paid; (5) The effect on Crime and Pauperism in those Cities and Counties where the Act has been in Force for more than Two Year; and (6) How many Contests have taken place under the Act, and in how many Places has the Act been Repealed and Drink Shops Re-opened.”

Colonial Office, }
December 1888. }

H. DE WORMS.

(*Mr. McLagan.*)

Ordered, by The House of Commons, to be Printed,
15 December 1888.

LONDON:
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C O N T E N T S.

Serial No.	From or to whom.	Date.	SUBJECT.	Page.
1	Home Office - -	29 Dec. 1887	Stating that the Secretary of State for the Home Department would be glad to be furnished with the particulars indicated with regard to the "Temperance Act, 1878."	3
2	To the Marquis of Lansdowne.	2 Jan. 1888	Transmitting copy of a Letter from the Home Office, requesting to be furnished with information on certain points.	3
3	To the Marquis of Lansdowne.	26 April 1888	Transmitting copy of an Address from the House of Commons for a Return giving certain particulars with regard to the working of the "Scott" Act.	4
4	The Marquis of Lansdowne.	28 April 1888 (Received 4 May 1888.)	Transmitting newspaper extracts showing the voting in various Counties on The Canada Temperance Act, 1878, resulting in all cases in the defeat of that Act.	4
5	To Home Office -	7 May 1888	Enclosing copy of a Despatch from the Governor General covering Returns showing the result of the voting in Eight Counties on the Canada Temperance Act, 1878.	10
6	The Marquis of Lansdowne.	15 May 1888 (Received 1 June 1888.)	Transmitting Minute of Privy Council, submitting a tabulated Statement of Statistics with reference to Elections held under the "Scott" Act.	10
7	Lord Stanley of Preston.	23 Oct. 1888 (Received 5 Nov. 1888.)	Transmitting Order of Privy Council, together with documents furnishing information with regard to the operation of the Canada Temperance Act and the sale of Intoxicating Liquors in the Dominion.	13

RETURN showing (1) The Scope of the Act; (2) The Area which it covers; (3) The Counties and Cities which have adopted it; (4) Whether any Compensation was paid when the Drink Shops were Closed; and, if so, what Amounts were paid; (5) The effect on Crime and Pauperism in those Cities and Counties where the Act has been in force for more than Two Years; and (6) How many Contests have taken place under the Act, and in how many Places has the Act been Repealed and Drink Shops Re-opened.

No. 1.

Home Office to Colonial Office.

Sir,

Whitehall, 29 December 1887.

I AM directed by the Secretary of State to acknowledge the receipt of your letter of the 22nd instant,* with enclosures, on the subject of the "Canada Temperance Act, 1878," and inquiring whether under the circumstances a Report respecting the Act in question would now be of use to this Department; and, in reply, I am to acquaint you, for the information of the Secretary of State for the Colonies, that Mr. Matthews would be glad to know in how many places the Act referred to has been adopted, and what proportion of the population of the Dominion is subject to its provisions; and whether the machinery for taking the Votes under Part I. of the Act, and for enforcing the substantive provisions of Part II. have been found to work well.

I am, &c.

The Under Secretary of State,
Colonial Office.

(signed) *E. Leigh Pemberton.*

No. 2.

Sir *H. T. Holland* to the Marquis of *Lansdowne*.

My Lord,

Downing-street, 2 January 1888.

I HAVE the honour to acknowledge the receipt of your Despatch of the 30th of November,* inquiring whether the report on the working of the "Canada Temperance Act of 1878," which was asked for in the Earl of Kimberley's Despatch of the 14th of August 1880,* was still desired.

In reply, I have to transmit for your Lordship's information a copy of a letter† from the Home Office, stating that the Home Secretary would be glad to be furnished with information on certain points with regard to the Act in question.

I have, &c.

The Marquis of Lansdowne.

(signed) *H. T. Holland.*

* Not printed.

† No. 1.

No. 3.

Lord *Knutsford* to the Marquis of *Lansdowne*.

My Lord,

Downing-street, 26 April 1888.

I HAVE the honour to transmit to you herewith a copy of an Address from the House of Commons asking for a Return giving certain particulars relating to the working of the Temperance Act of the Canadian Legislature known as the Scott Act.

I should be obliged if your Government could furnish a Return giving the particulars desired.

In connection with this subject I beg to call your attention to my Despatch of the 2nd of January last.*

It would be advisable, if possible, that the Return should be supplied in time to be presented to Parliament during the present Session.

The Marquis of Lansdowne.

I have, &c.
(signed) *Knutsford*.

Enclosure in No. 3.

HOUSE OF COMMONS.

Wednesday, 25th April 1888.

Temperance
Legislation, Scott
Act, Canada.

Resolved, That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions, that there be laid before this House, a Return showing (1) The scope of the Act; (2) The area which it covers; (3) The Counties and Cities which have adopted it; (4) Whether any compensation was paid when the drink shops were closed, and, if so, what amounts were paid; (5) The effect on Crime and Pauperism in those Cities and Counties where the Act has been in force for more than two years; and (6) How many Contests have taken place under the Act, and in how many places has the Act been repealed and drink shops re-opened.

Ordered, That the said Address be presented to Her Majesty by such Members of this House as are of Her Majesty's Most Honourable Privy Council.

Reginald F. D. Palgrave,
Clerk to the House of Commons.

No. 4.

The Marquis of *Lansdowne* to Lord *Knutsford*.

(Received 4 May 1888.)

My Lord,

Government House, Ottawa, 23 April 1888.

WITH reference to the correspondence which has passed relative to the Canada Temperance Act, 1878, I have the honour to transmit to your Lordship extracts from the "Toronto Mail" of the 2nd of March and 20th instant, showing the result of the voting on this Act which has recently taken place in the eight counties noted in the margin.

2. Elections

Halton, Norfolk,
Bruce, Dufferin,
Simcoe, Renfrew;
United Counties—
Stormont,
Dundas,
Glengarry;
Huron.

2nd March.
20th April.

* No. 2.

THE CANADA TEMPERANCE ACT, 1878.5

2. Elections were held in these counties under Section 96 of the Canada Temperance Act, Revised Statutes of Canada, chapter 106, for the purpose of revoking the Orders in Council by which the Act had been brought into operation some three years ago in the several counties.

3. These resulted in all cases in the defeat of the Act, *i. e.*, in the adoption of the petition to revoke its operation.

The Right Hon. Lord Knütsford,
&c. &c. &c.,
Colonial Office.

I have, &c.,
(signed) *Lansdowne.*

Enclosure in No. 4.

SCOTT ACT ELECTIONS.

Result of Yesterday's Voting in Seven Counties.

Repeal carried everywhere by Good Majorities—The Latest Returns—Theories of the Defeat advanced by Politicians.

Elections for the repeal of the Scott Act were held yesterday in the Counties of Bruce, Dufferin, Huron, Norfolk, Renfrew, Simcoe, and the united Counties of Dundas, Stormont, and Glengarry, with the following results:—

BRUCE.

Kincardine, 19 April.—Repeal has been carried by a majority estimated at 1,400.

DUFFERIN.

	Majorities	
	For Repeal.	Against Repeal.
Orangeville - - - - -	20	—
Mono - - - - -	59	—
East Garafraxa - - - - -	71	—
Amaranth - - - - -	19	—
Melancthon - - - - -	41	—
East Luther - - - - -	1	—
Shelburne - - - - -	36	—
Mulmur - - - - -	—	80
	247	80
TOTAL for repeal - - -	167	—

6

COPY OF CORRESPONDENCE RELATING TO

DUNDAS, STORMONT, AND GLENGARRY.

Cornwall, 19 April.—The voting on the repeal of the Scott Act took place here to-day. The repeal was carried by a majority of 1,248 in Stormont alone, and the united Counties of Stormont, Dundas, and Glengarry together gave a majority of 2,023, as far as heard from. The total majority for repeal is expected to reach 2,500. The following are the returns so far as received :—

	Majorities	
	For Repeal.	Against Repeal.
<i>Dundas :</i>		
Iroquois - - - - -	46	—
Morrisburg - - - - -	107	—
Connaught - - - - -	37	—
Inkerman - - - - -	45	—
Winchester - - - - -	—	20
Morewood - - - - -	—	27
Chesterville - - - - -	98	—
Dixon's Corners - - - - -	14	—
Wallace Schoolhouse - - - - -	37	—
Brinston's Corners - - - - -	—	43
West Winchester - - - - -	—	48
Miller's Schoolhouse - - - - -	—	28
East Williamsburg - - - - -	61	—
	445	166
<i>Stormont :</i>		
Cornwall (town) - - - - -	355	—
Cornwall (township) - - - - -	342	—
Osnabruck - - - - -	76	—
Finch - - - - -	196	—
	969	—
<i>Glengarry :</i>		
Lancaster - - - - -	108	—
Kenyon and Lochiel - - - - -	140	—
Alexandria - - - - -	98	—
Charlottenburg - - - - -	—	6
TOTAL - - -	346	6

THE CANADA TEMPERANCE ACT, 1878.

7

HURON.

Goderich, 19 April.—Huron County gives a majority of about 1,200 in favour of repeal, with several places to hear from. Following are the returns so far received :—

	Majorities	
	For Repeal.	Against Repeal.
Ashfield - - - - -	—	15
Colborne - - - - -	31	—
Clinton - - - - -	91	—
Goderich - - - - -	91	—
Goderich Township - - - - -	—	37
West Wawanosh - - - - -	—	23
East Wawanosh - - - - -	42	—
Blyth - - - - -	41	—
Brussels - - - - -	51	—
Grey - - - - -	87	—
Howick - - - - -	34	—
Morris - - - - -	25	—
Turnberry - - - - -	—	28
Wingham - - - - -	67	—
Bayfield - - - - -	63	—
Hay - - - - -	177	—
Hullett - - - - -	164	—
McKillop - - - - -	150	—
Seaforth - - - - -	53	—
Stanley - - - - -	—	57
Tuckersmith - - - - -	7	—
Usborn - - - - -	49	—
Exeter - - - - -	39	—
Stephen - - - - -	149	—
	1,377	179
	179	
TOTAL for the Repeal - - -	1,198	—

NORFOLK.

Simcoe, 19 April.—The vote on the repeal of the Scott Act in Norfolk to-day resulted in the repeal being carried by about 700 majority. The vote by townships is as follows :—

	Majorities	
	For Repeal.	Against Repeal.
Charlotteville - - - - -	116	—
Windham - - - - -	62	—
Port Dover - - - - -	13	—
Woodhouse - - - - -	94	—
Simcoe - - - - -	185	—
Waterford - - - - -	—	25
Townsend - - - - -	—	211
Middleton - - - - -	139	—
Houghton - - - - -	61	—
Walsingham - - - - -	272	—
	892	236

RENFREW.

	Majorities	
	For Repeal.	Against Repeal.
Arnprior - - - - -	135	—
Bagot and Blythefield - - - - -	49	—
Brudenel and Lyndoch - - - - -	97	—
Eganville - - - - -	113	—
Hagarty - - - - -	59	—
Sandpoint - - - - -	82	—
Mansfield - - - - -	47	—
Pembroke - - - - -	38	—
Cobden - - - - -	27	—
Alice - - - - -	58	—
Petewawa - - - - -	58	—
Stafford - - - - -	78	—
Shamrock - - - - -	34	—
Admaston - - - - -	58	—
Horton - - - - -	—	77
Renfrew Village - - - - -	—	8
South Algoma - - - - -	—	40
Pembroke Township - - - - -	—	27
Forester's Falls - - - - -	—	41
Ross - - - - -	—	39
Beachburg - - - - -	—	90
Westmeath - - - - -	—	136
Rolph, Birch and Wylie - - - - -	12	—
Head Clara and Maria - - - - -	12	—
Bromley - - - - -	63	—
McNabb - - - - -	72	—
Wilberforce and Algoma - - - - -	81	—
Gratton - - - - -	113	—
	1,286	458
	458	
TOTAL for repeal - - -	828	—

SIMCOE.

Barrie, 19 April.—The votes in the principal towns of Simcoe all stand in favour of repeal of the Scott Act, with the following majorities:—

	Majorities	
	For Repeal.	Against Repeal.
Barrie - - - - -	196	—
Collingwood - - - - -	332	—
Orillia - - - - -	139	—
Penetanguishene - - - - -	138	—
Gravenhurst - - - - -	65	—
Midland - - - - -	89	—
Bradford - - - - -	58	—
Alliston - - - - -	37	—
Stayner - - - - -	89	—
Tottenham - - - - -	29	—
Beeton - - - - -	11	—

The townships cannot be completed to-night, owing to the impassable state of the roads, but, as far as heard from, all vote by good majorities in favour of repeal, with the one exception of McKellar, in Parry Sound district, which gives a majority against repeal of 47. The total majority for repeal is about 900.

Original Majorities for the Act.

The following are the majorities given in favour of the Act on its adoption in each of the above counties:—

Bruce	-	-	-	-	-	-	-	-	-	1,312
Dufferin	-	-	-	-	-	-	-	-	-	795
Dundas, Stormont, and Glengarry	-	-	-	-	-	-	-	-	-	1,706
Huron	-	-	-	-	-	-	-	-	-	1,653
Norfolk	-	-	-	-	-	-	-	-	-	1,037
Renfrew	-	-	-	-	-	-	-	-	-	730
Simcoe	-	-	-	-	-	-	-	-	-	1,183

THE SCOTT ACT IN HALTON.

Repeal carried yesterday by about 200 majority.

Milton, 1 March.—The result of the election to-day on the petition for the repeal of the Scott Act in the county of Halton is a considerable surprise for the supporters of the measure. The latest returns show a total majority of about 200 in favour of repeal, with a few places to hear from, which cannot change the result. The following are the returns so far received:—

										Majorities	
										For Repeal.	Against Repeal.
Acton	-	-	-	-	-	-	-	-	-	-	8
Burlington	-	-	-	-	-	-	-	-	-	2	—
Esquesing:											
Ward 1	-	-	-	-	-	-	-	-	-	52	—
" 2	-	-	-	-	-	-	-	-	-	88	—
" 4	-	-	-	-	-	-	-	-	-	13	—
" 5	-	-	-	-	-	-	-	-	-	21	—
Georgetown	-	-	-	-	-	-	-	-	-	28	—
Milton	-	-	-	-	-	-	-	-	-	43	—
Nassagaweya:											
Ward 1	-	-	-	-	-	-	-	-	-	-	A tie.
" 2	-	-	-	-	-	-	-	-	-	-	39
" 3	-	-	-	-	-	-	-	-	-	-	39
Nelson:											
Ward 1	-	-	-	-	-	-	-	-	-	-	23
" 2	-	-	-	-	-	-	-	-	-	31	—
" 3	-	-	-	-	-	-	-	-	-	-	36
" 5	-	-	-	-	-	-	-	-	-	-	18
Oakville	-	-	-	-	-	-	-	-	-	53	—
Trafalgar:											
Ward 1	-	-	-	-	-	-	-	-	-	26	—
" 2	-	-	-	-	-	-	-	-	-	60	—
" 3	-	-	-	-	-	-	-	-	-	-	30
" 4	-	-	-	-	-	-	-	-	-	20	—
" 5	-	-	-	-	-	-	-	-	-	-	9
" 6	-	-	-	-	-	-	-	-	-	-	36
										437	238
										238	
TOTAL Majority for Repeal - - -										199	

No. 5.

Colonial Office to Home Office.

Sir,

Downing-street, 7 May 1888.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, for communication to Mr. Secretary Matthews, a copy of a Despatch* from the Governor General of Canada, with extracts from the "Toronto Mail," showing the result of the voting on the "Canada Temperance Act, 1878," which has recently taken place in eight counties.

I am to request that these extracts may be returned to this Department, as they will probably be included in a Paper to be given to Parliament on the subject.

The Under Secretary of State,
Home Office.

I am, &c.
(signed) *John Bramston.*

No. 6.

The Marquis of *Lansdowne* to Lord *Knutsford*.

(Received 1 June 1888.)

My Lord,

Government House, Ottawa, 15 May 1888.

WITH reference to your Lordship's Circular Despatch of the 26th January last,† in which you requested to be furnished with any information respecting the sale of intoxicating liquors in the Colonies of a later date than that laid before the Imperial Parliament in 1883, I have the honour to forward herewith copy of an approved minute of the Privy Council, submitting a tabulated statement of statistics with reference to elections held under the "Canada Temperance Act," commonly known as the "Scott Act."

You will observe that application has been made to the Minister of Justice for additional information touching Dominion and Provincial legislation, which, when received, will be duly forwarded.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

I have, &c.
(signed) *Lansdowne.*

Enclosure in No. 6.

CERTIFIED COPY of a REPORT of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor General in Council on the 11th May 1888.

THE Committee of the Privy Council have had under consideration a Circular Despatch dated 26th January 1888, from the Right Honourable the Secretary of State for the Colonies, requesting to be furnished with any information respecting the sale of intoxicating liquors in the Colonies of a later date than that laid before Parliament in 1883.

The Secretary of State, to whom the matter was referred, submits herewith a tabulated statement of the elections held under the "Canada Temperance Act," commonly known as the "Scott Act," since the passing of the Act; said statement embracing the names of cities, counties, and union of counties where elections have been held, the total number of votes polled for and against the Act, the total number of voters on the lists, together with the majorities recorded for or against the Act, or for repeal.

The Minister states that the Minister of Justice has been applied to for additional information touching Dominion and Provincial legislation, which, when received, will be forwarded without delay.

The Committee recommend that your Excellency be moved to forward the information herewith to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(signed) *John J. McGee,*
Clerk, Privy Council.

* No. 4.

† No. 1 in [c. 5563], November 1888.

THE CANADA TEMPERANCE ACT, 1878.

11

ELECTIONS held under the "CANADA TEMPERANCE ACT," popularly known as the "SCOTT ACT," since the passing of the Act (Revised Statutes of Canada, c. 106).

PLACE.	Number of Voters on List.	VOTES POLLED		MAJORITIES	
		For.	Against.	For.	Against.
1878.					
Fredericton (City), N.B. - -	788	403	203	200	—
York, N.B. - - - -	3,483	1,229	214	1,015	—
Prince, P.E.I. - - - -	5,434	1,762	271	1,491	—
1879.					
Charlotte, N.B. - - - -	4,220	867	149	718	—
Carleton, N.B. - - - -	3,913	1,215	69	1,146	—
Charlottetown, P.E.I. - - -	1,829	837	253	584	—
Albert, N.B. - - - -	2,300	718	114	604	—
Kings, P.E.I. - - - -	5,673	1,076	59	1,017	—
Lambton, Ont. - - - -	10,500	2,567	2,352	215	—
Kings, N.B. - - - -	4,499	798	245	553	—
Queens, N.B. - - - -	2,579	315	181	134	—
Westmoreland, N.B. - - - -	5,754	1,082	299	783	—
Megantic, P.Q. - - - -	—	372	844	—	472
1880.					
Northumberland, N.B. - - -	3,321	875	673	202	—
Stanstead, P.Q. - - - -	3,570	760	941	—	181
Queens, P.E.I. - - - -	6,351	1,317	99	1,218	—
Marquette, Man. - - - -	4,600	612	195	417	—
Digby, N.S. - - - -	2,802	944	42	902	—
1881.					
Queens, N.S. - - - -	1,574	763	82	681	—
Sunbury, N.B. - - - -	1,369	176	41	135	—
Shelburne, N.S. - - - -	2,266	807	154	653	—
Lisgar, Man. - - - -	2,163	247	120	127	—
Hamilton (City), Ont. - - -	7,593	1,661	2,811	—	1,150
Kings, N.S. - - - -	3,431	1,478	108	1,370	—
Halton, Ont. - - - -	46,641	1,483	1,402	81	—
Annapolis, N.S. - - - -	3,205	1,111	114	990	—
Wentworth, Ont. - - - -	6,896	1,611	2,209	—	598
Colchester, N.S. - - - -	4,147	1,418	184	1,234	—
Cape Breton, N.S. - - - -	3,656	739	216	523	—
Hants, N.S. - - - -	3,642	1,082	92	990	—
Welland, Ont. - - - -	7,064	1,610	2,378	—	768
Lambton, Ont. - - - -	10,500	2,857	2,962	—	105
1882.					
Inverness, N.S. - - - -	3,546	960	106	854	—
Pictou, N.S. - - - -	5,780	1,555	453	1,102	—
St. John, N.B. - - - -	4,365	1,074	1,076	—	2
Fredericton, N.B. - - - -	788	293	252	41	—
1883.					
Cumberland, N.S. - - - -	4,653	1,560	262	1,298	—
1884.					
Prince County, P.E.I. - - -	5,434	2,939	1,065	1,874	—
Yarmouth, N.S. - - - -	3,361	1,287	96	1,191	—
Oxford, Ont. - - - -	11,327	4,073	3,298	775	—
Arthabaska, P.Q. - - - -	3,214	1,487	235	1,252	—
Westmoreland, N.B. - - - -	5,754	1,774	1,701	73	—
Halton, Ont. (for Repeal) - -	4,664	1,947	1,767	—	180
Simcoe, Ont. - - - -	13,915	5,712	4,529	1,183	—
Stanstead, P.Q. - - - -	3,570	1,300	975	325	—
Charlottetown, P.E.I. - - -	1,829	755	715	40	—
Stormount, Dundas, and Glengarry -	13,057	4,590	2,884	1,706	—
Peel, Ont. - - - -	—	1,805	1,999	—	194
Bruce, Ont. - - - -	12,160	4,501	3,189	1,312	—
Huron, Ont. - - - -	13,810	5,957	4,304	1,653	—

COPY OF CORRESPONDENCE RELATING TO

PLACE.	Number of Voters on List.	VOTES POLLED		MAJORITIES	
		For.	Against.	For.	Against.
1884--continued.					
Dufferin, Ont. - - - -	4,098	1,904	1,109	795	—
Prince Edward, Ont. - - - -	—	1,528	1,653	—	125
York, N.B. - - - -	3,463	1,178	655	523	—
Renfrew, Ont. - - - -	5,676	1,748	1,018	730	—
Norfolk, Ont. - - - -	7,005	2,781	1,694	1,087	—
Compton, P.Q. - - - -	—	1,132	1,620	—	488
Brant, Ont. - - - -	8,063	1,690	1,088	602	—
Brantford (City), Ont. - - - -	—	646	812	—	166
Leeds and Grenville, Ont. - - - -	13,443	5,058	4,384	674	—
1885.					
Kent, Ont. - - - -	12,982	4,368	1,975	2,393	—
Lanark, Ont. - - - -	4,784	2,433	2,027	406	—
Lennox and Addington, Ont. - - - -	5,989	2,047	2,011	36	—
Brome, P.Q. - - - -	3,431	1,224	739	485	—
Guelph, Ont. - - - -	1,550	694	526	168	—
Carleton, Ont. - - - -	7,513	2,440	1,747	693	—
Northumberland and Durham, Ont. - - - -	16,934	6,050	3,863	2,187	—
Drummond, P.Q. - - - -	3,216	1,190	170	1,020	—
Elgin, Ont. - - - -	3,355	3,335	1,479	1,856	—
Lambton, Ont. - - - -	10,500	4,465	1,546	2,919	—
St. Thomas, Ont. - - - -	2,500	754	743	11	—
Missiquoi, P.Q. - - - -	—	1,142	1,167	—	25
Wellington, Ont. - - - -	11,920	4,516	3,086	1,430	—
Chicoutimi, P.Q. - - - -	3,443	1,157	529	628	—
Kingston, Ont. - - - -	—	785	842	—	57
Frontenac, Ont. - - - -	5,084	1,334	693	641	—
Lincoln, Ont. - - - -	12,982	2,060	1,490	570	—
Perth, Ont. - - - -	—	3,368	3,536	—	168
Middlesex, Ont. - - - -	17,012	5,745	2,370	3,375	—
Guysboro', N.S. - - - -	1,930	463	81	432	—
Hastings, Ont. - - - -	—	2,369	2,376	—	7
Haldimond, Ont. - - - -	—	1,755	2,063	—	Against the Act, 308
Ontario, Ont. - - - -	11,719	3,412	2,061	1,351	—
Victoria, Ont. - - - -	8,316	2,467	1,502	965	—
Peterborough, Ont. - - - -	6,620	1,915	1,597	408	—
Fredericton, N.B. (Repeal) - - - -	788	285	298	—	Against repeal, 13
Argenteuil, P.Q. - - - -	—	526	601	—	Against the Act, 75
Prescott and Russell, Ont. - - - -	—	1,535	3,131	—	1,596
1886.					
Pontiac, P.Q. - - - -	3,664	533	935	—	402
St. John (City), N.B. - - - -	4,365	1,610	1,687	—	77
St. John (County), N.B. - - - -	2,481	467	424	43	—
Portland, N.B. - - - -	1,669	667	520	147	—
1887.					
City of Charlottetown, P.E.I. (for Repeal) - - - -	1,829	669	889	—	Against repeal, 20
1888.					
Stormont - (Repeal of Act) - - - -	13,057	—	—	For repeal, 1,081	—
Dundas - ditto - - - -				338	—
Glengarry - ditto - - - -				715	—
Renfrew - ditto - - - -				910	—
Dufferin - ditto - - - -				—	—
Simcoe - ditto - - - -	13,915	—	—	—	—
Bruce - ditto - - - -	12,160	5,085	3,693	1,392	—
Norfolk - ditto - - - -	7,005	2,804	2,082	722	—
Westmoreland, N.B., ditto - - - -	5,754	1,698	2,464	—	Against repeal, 766
Halton - - - -	46,641	2,050	1,853	For repeal, 199	—
Huron - - - -	13,810	—	—	—	—

THE CANADA TEMPERANCE ACT, 1878.

13

No. 7.

Lord Stanley of Preston to Lord Knutsford.

(Received 5 November 1888.)

Government House, Ottawa, Canada,

23 October 1888.

My Lord,

WITH reference to your Lordship's Despatch of the 26th April last,* and previous correspondence, I have the honour to forward herewith a copy of an approved Privy Council Order submitting a report of the Secretary of State for Canada, together with copies of accompanying documents furnishing information in relation to the operation of the Canada Temperance Act, and the sale of intoxicating liquors in the Dominion.

4th October 1888.

I have, &c.

The Right Hon. Lord Knutsford.

(signed) Stanley of Preston.

Enclosure in No. 7.

(P. C. No. 1358 G.)

CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council approved by His Excellency the Governor General in Council, on the 4th October 1888.

THE Committee of the Privy Council have had under consideration are port, hereunto annexed, dated 8th September 1888, from the Secretary of State of Canada, respecting information asked for in certain Despatches from the Colonial Office in relation to the operation of the Canada Temperance Act and the sale of intoxicating liquors in the Colonies.

The Committee, concurring, advise that your Excellency be moved to forward copies hereof to the Right Honourable the Secretary of State for the Colonies, as recommended by the Secretary of State of Canada.

All which is respectfully submitted.

(signed) John James McGee,
Clerk, Privy Council.

Department of the Secretary of State, Canada.

Ottawa, 8 September 1888.

REPORT to Council respecting information asked for in certain Despatches from the Colonial Office, in relation to the operation of the Canada Temperance Act, and the sale of intoxicating liquors in the Colonies.

THE undersigned, to whom has been referred certain Despatches from the Colonial Office on the subject of the operation of the Canada Temperance Act, commonly known as the "Scott Act," and the sale of intoxicating liquors in the Colonies, has the honour to report.

The Despatches referred to consist of the following:—

(1.) Despatch, dated the 2nd January 1888,† enclosing copy of a letter from the Home Office asking to be furnished with information on certain points with reference to the Canada Temperance Act.

(2.) Circular Despatch, dated the 26th January 1888,‡ requesting to be furnished with any information respecting the sale of intoxicating liquors in the Colonies of a later date than that laid before the Imperial Parliament in the year 1883; and

(3.) Despatch, dated the 26th April 1888,* transmitting copy of an Address from the House of Commons asking for a Return giving particulars relating to the working of the Canada Temperance Act.

Firstly.—As regards the particulars asked for in the Despatch of the 2nd January 1888, first above enumerated, the undersigned is of opinion that the desired information has been largely supplied by the tabulated statement of elections held under the Canada Temperance Act since the passing of the Act, and of other facts in relation thereto contained therein, which statement was furnished to Council some months since by the undersigned, and is appended to the Order in Council of the 11th May 1888, copy of which his Excellency's predecessor was authorised to forward for the information of the Right Honourable the Secretary of State for the Colonies.

The

* No. 3.

† No. 2.

‡ See No. 1, in [c. 5563] November 1888.

14 COPY OF CORRESPONDENCE RELATING TO

The point in the letter from the Home Office not met by the statement referred to is as to whether the machinery for taking the votes under Part I. of the Act, and for enforcing the substantive provisions of Part II., has been found to work well. As regards the first phase of this question, the undersigned would only remark that during a Ministerial experience of six years he has heard of no complaint on the subject, and he has reason to believe that the mode prescribed has on the whole worked smoothly and satisfactorily. The second phase of the query, touching the machinery under Part II. of the Act, comes under the purview of provincial administration, and is answered in the replies received from the provincial authorities hereafter referred to.

Since the date of the tabulated statement, previously mentioned (9th May 1888), two additional elections under the Act, both for repeal, have been held, of which the particulars are given in the subjoined supplementary statement.

PLACE.	Number of Voters on List.	Votes for the Act.	Polled against the Act.	Majorities.	
				For.	Against.
Arthabaska, Province of Quebec.	4,098	230	455	—	225
Stanstead, Province of Quebec.	4,595	1,187	1,329	—	142

See p. 23 [c. 3477],
1883.

Secondly.—With respect to the Circular Despatch, secondly enumerated, the undersigned, having regard to the course followed on previous occasions, and more particularly with references to Earl Kimberley's two Circular Despatches on the same subject, referred to in the present Circular Despatch (*see* Sir Alexander Campbell's report* thereon attached to the Order in Council of the 29th November 1882), placed himself in communication with the Department of Justice, from which department a report has been obtained (*see* Appendix A.*) forwarding the desired particulars both as regards Dominion and provincial legislation respecting the sale of intoxicating liquors, with copies of the several statutes in force on the subject. Upon reference to the report it will be observed that all the provinces have replied to the inquiries instituted by the Department of Justice with the exception of Quebec.

The third paragraph of the report from the Department of Justice relates to the information already supplied by the undersigned in the tabulated statement of elections, &c., previously mentioned.

Thirdly.—Touching the information sought in the Imperial Return moved for and referred to in the Despatch of the 26th April, thirdly enumerated, the undersigned would point out that it covers the same ground of inquiry, to a certain extent, as is embraced by the Circular Despatch of the 26th January, previously dealt with.

The further particulars desired respecting (1) compensation when drink shops are closed; and (2) the effect on crime and pauperism in those cities and counties where the Act has been in force for more than two years, coming under provincial administration, have formed the subject of a communication addressed by the undersigned to the respective local governments (except that of British Columbia, in which province the Act has never been adopted), from all of whom, with one exception, Quebec, replies have been received. These replies are now submitted and form Appendix B.

The undersigned would recommend, in the event of this report being adopted by Council, that his Excellency be moved to forward a copy thereof, with copies of the accompanying documents, to the Right Honourable the Secretary of State for the Colonies, in answer to the several Despatches from his office enumerated herein.

(signed) J. A. Chapleau,
Secretary of State.

APPENDICES.

A.*—Report of Department of Justice, with replies from Provincial Governments, embodying information (in part) desired under Circular Despatch dated the 26th January 1888.

B.—Replies received by Secretary of State from Provincial Governments, embodying information (in part) desired under Despatch dated the 26th April 1888.

* See No. 38 [c. 5563], 1888 (Intoxicating Liquors, Colonies).

Appendix " B."

PROVINCE of ONTARIO.

Sir,

Government House, Toronto, 22 June 1888.

ADVERTING to your Despatch of the 14th instant, in which you desire to be furnished, for the information of the Imperial Parliament, with certain particulars asked for in an Address to Her Majesty relative to the operation and effect of the Canada Temperance Act, I have now the honour to transmit to you herewith a letter on the subject received by the Provincial Secretary from Mr. J. W. Manning, Chief Officer of the License Branch, Canada Temperance Act Division.

I have, &c.

(signed) A. Campbell,

Lieutenant Governor of Ontario.

Provincial Treasurer's Department.—License Branch.

Sir,

Canada Temperance Act Division, Toronto,
19 June 1888.

HAVING reference to the return required for the information of the Imperial Parliament, with the particulars asked for in the Address to Her Majesty, relative to the operation and effect of the Canada Temperance Act, I have the honour to state that it is almost impossible to answer from the statistical returns the second question presented by the Imperial Parliament for the following, amongst other reasons:—

1. Some counties, as for instance, Brant, Frontenac, Carleton, and Middlesex, contain within their gaols commitments from outside the area controlled by the Canada Temperance Act, and there are no means of separating them.

2. Because the years are not parallel, the gaol year closing on the 30th September, whilst the license year closes on the 30th April.

3. Because the tables, as given in the report of the Inspector of Prisons, show the offences in gross for the whole province, and therefore not divisable into counties.

It has therefore been considered advisable, as the nearest approach to the requisite information, to give, (a) the number of persons arrested for being drunk and disorderly during the last year of license and the last year of the operation of the Canada Temperance Act; (b) the number of persons in the several gaols on the last night of each of the same years; and, (c) the number of persons arrested for all causes in the last year of license, and the last year of the operation of the Canada Temperance Act in the whole province.

(A.)	Drunk and Disorderly Last Year of License.	Drunk and Disorderly Last Year of Canada Temperance Act.
Brockville - - - - -	80	24
Bruce - - - - -	—	—
Cornwall - - - - -	3	4
Dufferin - - - - -	1	3
Elgin - - - - -	57	45
Halton - - - - -	9	5
Huron - - - - -	3	—
Kent - - - - -	18	7
Lambton - - - - -	130	38
Lanark - - - - -	6	9
Lennox and Addington - - - - -	6	8
Northumberland and Durham - - - - -	26	6
Norfolk - - - - -	4	5
Ontario - - - - -	4	—
Oxford - - - - -	21	—
Peterborough - - - - -	27	11
Renfrew - - - - -	11	2
Simcoe - - - - -	31	16
Stormont, Dundas, and Glengarry - - - - -	—	—
Victoria - - - - -	13	1
Wellington - - - - -	32	22
Frontenac - - - - -	—	—
	482	206

Total number of prisoners in each of the gaols on the

	Last Night of September in License Year.	Last Night of September in Canada Temperance Act Year.
Brockville - - - - -	17	14
Bruce - - - - -	4	7
Cornwall - - - - -	4	6
Dufferin - - - - -	15	16
Elgin - - - - -	12	12
Frontenac - - - - -	—	—
Halton - - - - -	9	7
Huron - - - - -	10	10
Kent - - - - -	6	15
Lambton - - - - -	10	13
Lanark - - - - -	18	16
Lennox and Addington - - - - -	4	3
Northumberland and Durham - - - - -	15	11
Norfolk - - - - -	3	4
Ontario - - - - -	11	11
Oxford - - - - -	10	19
Peterborough - - - - -	15	11
Renfrew - - - - -	26	8
Simcoe - - - - -	25	20
Stormont, Dundas, and Glengarry - - - - -	—	—
Victoria - - - - -	6	7
Wellington - - - - -	5	10
	215	220

These figures include the persons detained for want of sureties to keep the peace, insane, and as witnesses.

The last year also includes offenders against the Canada Temperance Act.

“C.”

The total number of commitments for the whole province, excluding Toronto, for the years 1880 and 1887, being the last full year of license, and the last full year under the Canada Temperance Act respectively are :

1880 - - - - 8,391 | 1887 - - - - 7,226

The estimated increase of population being about 18 per cent.

I have, &c.
(signed) J. W. Manning,
Chief Officer of the License Branch
of the Canada Temperance Act Division.

The Honourable
The Provincial Secretary, Toronto.

2.—PROVINCE of NOVA SCOTIA.

Government House, Halifax.
29 June 1888.

Sir,

REFERRING to Mr. Powell’s Despatch of the 14th instant, asking for particulars, for the information of the Imperial Parliament, relative to the operation and effect of the Canada Temperance Act, I have now the honour to state that the Act being a Dominion one, and the Provincial Government having nothing to do with it, none of the Provincial Departments is in possession of any official information in relation to its operation.

It is, however, within the knowledge of my Provincial Secretary that no compensation was paid for the closing of any drink shops in counties where the Act was adopted. In most cases the Act, though adopted by vote of the electors, has not been thoroughly enforced.

It would, therefore, be difficult to draw from its operation in this province any conclusions respecting the value of legislation of that character.

I have, &c.
(signed) M. H. Richey,
Lieutenant Governor.

The Hon. the Secretary of State for
Canada, Ottawa.

THE CANADA TEMPERANCE ACT, 1878.

17

PROVINCE OF NEW BRUNSWICK.

Government House, Fredericton, N.B.,

20 June 1888.

Sir,

I HAVE the honour to acknowledge the receipt of your Despatch, dated 14th instant, asking for information for the Imperial Parliament relative to the operation and effect of the "Canada Temperance Act."

First, as to compensation paid; secondly, as to the effect on crime and pauperism, in those cities and counties where the Act has been in force for more than two years.

In answer to the first inquiry, No. 4, no compensation was in any case paid when the drink-shops were closed. To the second inquiry, No. 5, no reliable answer can be given, as returns of convictions, &c., are not made to the Government, and my Council report that there are no persons with whom they could communicate who could give a correct answer. The result if obtainable would scarcely be satisfactory, as the uncertainty of the constitutionality of the Act for a long period, practically suspended its operation in several electoral districts when first adopted.

The Hon. Secretary of State, Ottawa.

I have, &c.
(signed) *S. L. Tilley.*

4. PROVINCE OF MANITOBA.

Manitoba and Keewatin, Government House,

Winnipeg, 6 September 1888.

Sir,

I HAVE the honour to enclose to you herewith certain information which I have this day received from my Government regarding the operation of the Canada Temperance Act in this Province.

The Honourable
The Secretary of State, Ottawa, Ontario.

I have, &c.
(signed) *John Schultz,*
Lieutenant Governor.

Sir,

Winnipeg, 5 September 1888.

IN reply to the communication addressed by Lawrence J. Clark, to the Honourable Joseph Martin, Acting Provincial Secretary, and the communication from Walter Robert Bown, Private Secretary to his Honor the Lieutenant Governor in Council, asking for information on the following points: Whether any compensation has ever been paid the drink-shops closed in counties in the Province of Manitoba that have adopted the Scott Act, and what has been the effect on crime and pauperism in the cities and counties where the Act has been enforced for more than two years, I beg to say that the Canada Temperance Act, commonly known as the Scott Act, has been brought into force in only two counties in the Province of Manitoba, and in none of our cities and towns.

It was first brought into force in the county of Marquette, and remained in force there about six months, when it was declared to have been illegally brought into force by a decision in the Supreme Court of Canada.

No compensation to liquor dealers was provided when the Act was brought into force in the county of Marquette, and it was in force so short a time that it is impossible to say what effect, if any, it had on crime and pauperism in that county.

With regard to the operations of the Act in the county of Lisgar, I believe the Act was voted upon and brought into force some time ago, but objections were taken to the mode in which the Act was brought into force, and it practically has never been enforced, although nominally it still remains the law in that county.

The Manitoba Government, however, are granting licenses in the county of Lisgar, but I suppose they consider the Act inoperative.

For these reasons it is also impossible to say what effect, if any, the Act has had in that county.

I believe no provision was made in the county of Lisgar for compensation to liquor dealers.

The Honourable
The Provincial Secretary, Winnipeg.

I have, &c.
(signed) *H. W. Maclean,* Chief Clerk.

18 CORRESPONDENCE :—THE CANADA TEMPERANCE ACT, 1878.

5. PROVINCE OF PRINCE EDWARD'S ISLAND.

Government House,
Prince Edward's Island, 22 June 1888.

Sir,

Charlottetown, 21st
June 1888, Provin-
cial Secretary's
Office.

I HAVE the honour to acknowledge the receipt of your Despatch of the 14th instant, requesting to be furnished, for the information of the Imperial Parliament, with the particulars asked for in portions of an Address to Her Majesty relative to the operation of the Canada Temperance Act; and I now transmit herewith the report of the Provincial Secretary on the subject, by which you will observe that "No compensation was paid when the drink shops were closed in this province."

There being no available data as to its effect on crime and pauperism in those places where the Act has been in force for more than two years, it is impossible to state its effect definitely, but the stipendiary magistrate of Charlottetown, before whom all persons who are illegally engaged in the sale of intoxicating drink within the city limits are tried, stated, when the matter was submitted to him, that "Generally speaking it has had no effect, except that the crime of perjury has been greatly increased."

I may also observe that as the Canada Temperance Act was carried here by a very small majority of the electors when the question of its adoption was submitted to them; its enforcement when it became law, under these circumstances, was a very difficult task, and this must always be the case unless it has the general moral support of a large majority of the people in the city or county where it is adopted, who will maintain its provisions, and see that they are properly enforced.

G. Powell, Esq.,
Under Secretary of State, Ottawa.

I have, &c.
(signed) A. A. Macdonald,
Lieutenant Governor.

Provincial Secretary, Prince Edward's Island,
Charlottetown, 21 June 1888.

Sir,

IN reply to the following queries contained in letter from Ottawa of 14th instant, I have the honour to append the answers hereinafter given.

No. 4. "Was any compensation paid when the drink shops were closed in such of the counties of the Province of Prince Edward's Island as adopted the Act?" No.

No. 5. "What has been the effect on crime and pauperism in those cities and counties where the Act has been in force for more than two years?"

Not having any data to guide me in this I applied to the stipendiary magistrate, who has just sent me the following:—

"Generally speaking of no effect, except that the crime of perjury has been greatly increased."

His Honor the Lieutenant Governor,
Prince Edward's Island.

I have, &c.
(signed) Arthur Newbery,
Assistant Provincial Secretary.

TEMPERANCE LEGISLATION, SCOTT
ACT (CANADA).

RETURN showing (1) The Scope of the Act; (2) The Area which it covers; (3) The Counties and Cities which have adopted it; (4) Whether any Compensation was paid when the Drink Shops were Closed, and, if so, what Amounts were paid; (5) The Effect on Crime and Pauperism in those Cities and Counties where the Act has been in Force for more than Two Years; and (6) How many Contests have taken place under the Act, and in how many Places has the Act been Repealed and Drink Shops Re-opened.

(Mr. McLagan.)

*Ordered, by The House of Commons, to be Printed,
15 December 1888.*

[Price 2½d.]

421. *Under 2 oz.*

H.—10, 12, 88.

UNITED STATES. No. 1 (1888).

FURTHER CORRESPONDENCE

RESPECTING

NORTH AMERICAN FISHERIES,

1887-88:

WITH DESPATCH INCLOSING

TREATY SIGNED AT WASHINGTON, FEBRUARY 15, 1888.

[In continuation of "United States No. 2 (1887)": C.—4995.]

*Presented to both Houses of Parliament by Command of Her Majesty.
March 1888.*

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1887-88: with Despatch inclosing Treaty signed at
Washington, February 15, 1888.

[In continuation of "United States No. 2 (1887)": C.—4995.]

No. 1.

The Marquis of Salisbury to Her Majesty's Plenipotentiaries to the Fisheries Conference.

Gentlemen,

Foreign Office, October 24, 1887.

THE Queen has been graciously pleased to appoint you to be Her Majesty's Plenipotentiaries to consider and adjust all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland, which are in dispute between the Government of Her Britannic Majesty and that of the United States of America, and any other questions which may arise which the respective Plenipotentiaries may be authorized by their Governments to consider and adjust.

I transmit to you herewith Her Majesty's full powers to that effect, and I have to give the following instructions for your guidance:—

The main question which you will be called upon to discuss arises in connection with the fisheries prosecuted by citizens of the United States on the Atlantic shores of British North America and Newfoundland. The correspondence which has already been placed at your disposal will have made you familiar with the historical features of the case up to the conclusion of the Treaty of Washington, and it appears, therefore, needless at the present moment to recapitulate the various negotiations which have taken place on the subject of these fisheries previously to the year 1871.

I transmit to you herewith a copy of the Treaty of Washington of the 8th May, 1871,* from which you will perceive that by the Fishery Articles thereof (Articles XVIII to XXV, XXX, XXXII, and XXXIII), the Canadian and Newfoundland inshore fisheries on the Atlantic coast, and those of the United States north of the 39th parallel of north latitude, were thrown reciprocally open, and fish and fish-oil were reciprocally admitted duty free.

In accordance with the terms of these Articles the difference in value between the concessions therein made by Great Britain to the United States was assessed by the Halifax Commission at the sum of 5,500,000 dollars for a period of twelve years, the obligatory term for the duration of these Articles.

At the expiration of the stipulated period the United States' Government gave notice of termination of the Fishery Articles, which consequently ceased to have effect on the 1st July, 1885; but the Canadian Government, being loath to subject the American fishermen to the hardship of a change in the midst of a fishing season, consented to allow them gratuitously to continue to fish inshore and to obtain supplies without reference to any restrictions contained in the Convention of 1818† till the end of the year 1885, on the understanding that a Mixed Commission should be appointed to settle the Fisheries question; and to negotiate for the development and extension of trade between the United States and British North America.

The proposed Commission not having been constituted and no settlement having

* See Hertslet's Commercial Treaties, vol. xiii, p. 970.

† Ibid., vol. ii, p. 392.

consequently been arrived at, the Convention of the 20th October, 1818, came into force again at the commencement of the year 1886.

Article I of that Convention is as follows:—

“ARTICLE I.

“Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Majesty’s dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson’s Bay Company. And that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty’s dominions in America, not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.”

Under these circumstances numerous seizures of American fishing-vessels have subsequently been effected by the Canadian authorities for infraction of the terms of the Convention and of their Municipal Law and Customs Regulation.

The inclosed correspondence will place you in full possession of the various points which have consequently arisen in diplomatic correspondence between the two Governments, and I do not desire to enter upon them in detail in the present instructions, nor to prescribe any particular mode of treating them, it being the wish of Her Majesty’s Government that a full and frank discussion of the issues involved may lead to an amicable settlement in such manner as may seem most expedient, and having due regard to the interests and wishes of the British Colonies concerned.

Her Majesty’s Government feel confident that the discussions in this behalf will be conducted in the most friendly and conciliatory spirit, in the earnest endeavour to effect a mutually satisfactory arrangement and to remove any causes of complaint which may exist on either side.

Whilst I have judged it advisable thus, in the first place, to refer to the question of the fisheries of the Atlantic coast, it is not the wish of Her Majesty’s Government that the discussions of the Plenipotentiaries should necessarily be confined to that point alone, but full liberty is given to you to enter upon the consideration of any questions which may bear upon the issues involved, and to discuss and treat for any equivalents, whether by means of Tariff, concessions, or otherwise, which the United States’ Plenipotentiaries may be authorized to consider as a means of settlement.

The question of the seal fisheries in the Behring Sea, the nature of which will be explained in a separate despatch, has not been specifically included in the terms of reference, but you will understand that if the United States’ Plenipotentiaries should be authorized to discuss that subject it would come within the terms of the reference, and that you have full power and authority to treat for a settlement of the points involved, in any manner which may seem advisable, whether by a direct discussion at the present Conference or by a reference to a subsequent Conference to adjust that particular question.

If the Government of Newfoundland depute an Agent to attend at Washington

during the Conference, you will avail yourselves of his advice and assistance in any matters concerning Newfoundland which may arise in the course of the discussions.

I am, &c.
(Signed) SALISBURY.

Inclosure in No. 1.

Full Powers to Mr. Chamberlain, Sir L. West, and Sir C. Tupper to negotiate with the Plenipotentiaries of the United States on the North American Fisheries Conference, October 24, 1887.

Victoria R. and I.,

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., &c., &c. To all and singular to whom these presents shall come, greeting.

WHEREAS for the purpose of considering and adjusting in a friendly spirit with Plenipotentiaries to be appointed on the part of our good friends the United States of America, all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which are in dispute between our Government and that of our said good friends, and any other questions which may arise which the respective Plenipotentiaries may be authorized by their Governments to consider and adjust, we have judged it expedient to invest fit persons with full power to conduct on our part the discussions in this behalf:

Know ye, therefore, that we, reposing especial trust and confidence in the wisdom, loyalty, diligence, and circumspection of our right trusty and well-beloved Councillor Joseph Chamberlain, a member of our most Honourable Privy Council, and a Member of Parliament, &c., &c.; of our trusty and well-beloved The Honourable Sir Lionel Sackville Sackville West, Knight Commander of our most distinguished Order of St. Michael and St. George, our Envoy Extraordinary and Minister Plenipotentiary to our said good friends the United States of America, &c., &c., and of our trusty and well-beloved Sir Charles Tupper, Knight Grand Cross of our most distinguished Order of St. Michael and St. George, Companion of our most Honourable Order of the Bath, Minister of Finance of the Dominion of Canada, &c., &c.

Have named, made, constituted and appointed, as we do by these presents, name, make, constitute, and appoint them our undoubted Plenipotentiaries, giving to them or to any two of them all manner of power and authority to treat, adjust, and conclude with such Plenipotentiaries as may be vested with similar power and authority on the part of our good friends the United States of America, any Treaties, Conventions, or Agreements that may tend to the attainment of the above-mentioned end, and to sign for us and in our name everything so agreed upon, and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work in as ample manner and form, and with equal force and efficiency as we ourselves could do if personally present:

Engaging and promising upon our Royal word that whatever things shall be so transacted and concluded by our said Plenipotentiaries shall be agreed to, acknowledged, and accepted by us in the fullest manner, and that we will never suffer, either in the whole, or in part, any person whatsoever, to infringe the same, or act contrary thereto, as far as it lies in our power.

In witness whereof we have caused the Great Seal of our United Kingdom of Great Britain and Ireland to be affixed to these presents, which we have signed with our Royal hand.

Given at our Court at Balmoral, the 24th day of October, 1887, and in the fifty-first year of our reign.

No. 2.

*Her Majesty's Plenipotentiaries to the Fisheries Conference to the Marquis of Salisbury.—
(Received February 27.)*

My Lord,

Washington, February 15, 1888.

WE have the honour to transmit herewith a Treaty signed this day by the Plenipotentiaries of Great Britain and of the United States for the settlement of the Fishery question on the Atlantic coast of North America, together with two Protocols establishing a *modus vivendi* of a temporary character to prevent the occurrence of disputes pending the ratification of the Treaty.

We have, &c.

(Signed)

J. CHAMBERLAIN.

L. S. SACKVILLE WEST.

CHARLES TUPPER.

Inclosure 1 in No. 2.

Treaty between Great Britain and the United States for the Settlement of the Fishery Question on the Atlantic Coast of North America. Signed at Washington, February 15, 1888.

WHEREAS differences have arisen concerning the interpretation of Article I of the Convention of the 20th October, 1818; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighbourhood between the United States and the possessions of Her Majesty in North America, have resolved to conclude a Treaty to that end, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Joseph Chamberlain, M.P.; the Honourable Sir Lionel Sackville Sackville West, K.C.M.G., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and Sir Charles Tupper, G.C.M.G., C.B., Minister of Finance of the Dominion of Canada:

And the President of the United States, Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan:

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The High Contracting Parties agree to appoint a Mixed Commission to delimit, in the manner provided in this Treaty, the British waters, bays, creeks and harbours of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the Convention of the 20th October, 1818, between Great Britain and the United States, renounced for ever any liberty to take, dry, or cure fish.

ARTICLE II.

The Commission shall consist of two Commissioners to be named by Her Britannic Majesty, and of two Commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this Treaty.

The Commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner instead of the Commissioner originally named.

ARTICLE III.

The delimitation referred to in Article I of this Treaty shall be marked upon British Admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the Commission, be signed by the

Commissioners in quadruplicate, three copies whereof shall be delivered to Her Majesty's Government, and one copy to the Secretary of State of the United States. The delimitation shall be made in the following manner, and shall be accepted by both the High Contracting Parties as applicable for all purposes under Article I of the Convention of the 20th October, 1818, between Great Britain and the United States.

The 3 marine miles mentioned in Article I of the Convention of the 20th October, 1818, shall be measured seaward from low water mark; but at every bay, creek, or harbour, not otherwise specially provided for in this Treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbour, in the part nearest the entrance at the first point where the width does not exceed 10 marine miles.

ARTICLE IV.

At or near the following bays the limits of exclusion under Article I of the Convention of the 20th October, 1818, at points more than 3 marine miles from low water mark, shall be established by the following lines, namely :—

At the Baie des Chaleurs the line from the light at Birch Point on Miscou Island to Macquereau Point light; at the Bay of Miramichi, the line from the light at Point Escuminac to the light on the eastern point of Tabisintac Gully; at Egmont Bay, in Prince Edward Island, the line from the light at Cape Egmont to the light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the south-easterly end of Brunet Island, thence to Fortune Head; at Sir Charles Hamilton Sound, the line from the south-east point of Cape Fogo to White Island, thence to the north end of Peckford Island, and from the south end of Peckford Island to the east headland of Ragged Harbour.

At or near the following bays the limits of exclusion shall be 3 marine miles seaward from the following lines, namely :—

At or near Barrington Bay, in Nova Scotia, the line from the light on Stoddard Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island light to Green Island light, thence to Point Rouge; at Mira Bay, the line from the light on the east point of Scatari Island to the north-easterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the eastern mainland shore, to the most southerly point of Red Island, thence by the most southerly point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

ARTICLE V.

Nothing in this Treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbours as cannot be reached from the sea without passing within the 3 marine miles mentioned in Article I of the Convention of 20th October, 1818.

ARTICLE VI.

The Commissioners shall from time to time report to each of the High Contracting Parties such lines as they may have agreed upon, numbered, described, and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the High Contracting Parties, and be binding after two months from such proclamation.

ARTICLE VII.

Any disagreement of the Commissioners shall forthwith be referred to an umpire selected by Her Britannic Majesty's Minister at Washington and the Secretary of State of the United States; and his decision shall be final.

ARTICLE VIII.

Each of the High Contracting Parties shall pay its own Commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the umpire, shall be paid by the High Contracting Parties in equal moieties.

ARTICLE IX.

Nothing in this Treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing-vessels of the United States.

ARTICLE X.

United States' fishing-vessels entering the bays or harbours referred to in Article I of this Treaty shall conform to harbour regulations common to them and to fishing-vessels of Canada or of Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbours for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in such bays or harbours for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbour dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of 20th October, 1818.

ARTICLE XI.

United States' fishing-vessels entering the ports, bays, and harbours of the eastern and north-eastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, tranship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licences to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States' fishing-vessels in such ports, promptly upon application and without charge; and such vessels having obtained licences in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

ARTICLE XII.

Fishing-vessels of Canada and Newfoundland shall have on the Atlantic coasts of the United States all the privileges reserved and secured by this Treaty to United States' fishing-vessels in the aforesaid waters of Canada and Newfoundland.

ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States' fishing-vessel of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licences provided for in this Treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbours, referred to in Article I of this Treaty, may extend to forfeiture of the boat or vessel and appurtenances, and also of the supplies and cargo aboard when the offence was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the Court not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbours, penalties shall be fixed by the Court, not exceeding in all 3 dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the Judge shall, on request of the defence, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defence, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defence only, and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the Governor-General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and of Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbours of the aforesaid coasts of Canada and of Newfoundland shall be accorded to United States' fishing-vessels by annual licences, free of charge, for the following purposes, namely:—

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits;

2. Transhipment of catch, for transport by any means of conveyance;

3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing-vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

ARTICLE XVI.

This Treaty shall be ratified by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland; and by the President of the United States, by and with the advice and consent of the Senate; and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate, at Washington, this 15th day of February, in the year of our Lord 1888.

Inclosure 2 in No. 2.

Protocol, dated February 15, 1888.

THE Treaty having been signed, the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the Treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the Treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a *modus vivendi* pending the ratification of the Treaty:—

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbours of the Atlantic coasts of Canada and of Newfoundland shall be granted to United States' fishing-vessels by annual licences at a fee of 1½ dollars per ton—for the following purposes:

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The purchase of bait, ice, seines, lines, and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If, during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal oil (and their coverings, packages, &c.), the said licences shall be issued free of charge.

3. United States' fishing-vessels entering the bays and harbours of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the Convention of the 20th October, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom-house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the Colonial authorities.

(Signed)

J. CHAMBERLAIN.
L. S. SACKVILLE WEST.
CHARLES TUPPER.

Washington, February 15, 1888.

Inclosure 3 in No. 2.

Protocol, dated February 15, 1888.

THE American Plenipotentiaries having received the communication of the British Plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the fisheries during the period which may be requisite for the consideration by the Senate of the Treaty this day signed, and the enactment of the legislation by the respective Governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British Plenipotentiaries, by the means referred to, to maintain the relations of good neighbourhood between the British possessions in North America and the United States; and they will convey the communication of the British Plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate, for its information, together with the Treaty, when the latter is submitted to that body for ratification.

(Signed)

T. F. BAYARD.
WILLIAM L. PUTNAM.
JAMES B. ANGELL.

Washington, February 15, 1888.

No. 3.

Mr. J. Chamberlain, M.P., to the Marquis of Salisbury.—(Received February 27.)

My Lord,

Washington, February 16, 1888.

I HAVE the honour to inform you that the lengthened deliberations of the Conference have at last terminated in an Agreement accepted by all the Plenipotentiaries as a just and honourable settlement of the difficult questions which have arisen in connection with the North Atlantic fisheries.

This satisfactory result is largely due to the conciliatory spirit manifested on both sides, and to the strong sense entertained by all the conferrees of the importance of removing all cause of irritation and of promoting good neighbourhood and friendly intercourse between the United States and Canada and Newfoundland.

The main issues involved in the discussion are familiar to your Lordship.

The successive abrogation by the United States of the Reciprocity Treaty of 1854, and recently of the fishery Articles of the Treaty of Washington, had subjected the relations between the two countries to the stipulations of the anterior Convention of 1818, by one of the clauses of which United States' fishermen were expressly precluded from entering the bays and harbours of Canada and Newfoundland, except on certain specified portions of the coast, for any other purposes whatever besides wood, water, shelter, and repairs. The Canadian Government have construed strictly this right of exclusion, with the express object of

preventing United States' fishermen from fishing in Canadian waters, and also from making Canada a base of supplies for their operations in connection with the deep-sea fisheries.

They have, however, always been willing to share either or both these advantages with the fishermen of the United States, provided that a fair equivalent were conceded in the shape of a modification of the American Tariff in favour of Canadian products.

The United States' Government have contended that while the Canadian Government were justified in preventing fishing in their territorial waters, the refusal of ordinary commercial facilities to American fishermen was contrary to the comity of nations, and tended to pervert a Treaty of Amity, relating solely to the fisheries, into an instrument of injury to commercial intercourse.

The United States' Government have on the present occasion repudiated any desire to share the inshore fisheries of Canada, and the point in dispute has therefore been limited to the question of commercial facilities.

In the course of the discussion, it became evident that there existed a substantial agreement on the main facts of the case, and that while on the one hand the United States were ready to recognize the right of Canada to guard the interests of her fishermen in competition with those of the United States, and to withhold any special advantages conferred by the proximity of her ports and harbours to the common fishery grounds, and not expressly secured to the United States by Treaty, the Canadian Government, on the other hand, were ready to afford all possible convenience and assistance which the claims of humanity or the courtesy of nations would justify, provided that these concessions were not abused or construed into the surrender of privileges essential, or, at the least, important, to the successful prosecution of the fishing industry.

The Treaty now submitted gives expression to these views. It provides for the full concession of all commercial facilities to fishing-vessels of the United States, whenever and so long as the products of Canadian fisheries are admitted free into the United States.

In the absence of such an arrangement, the Treaty establishes the future position of the respective parties and defines their rights. It provides for the delimitation of the exclusive fishing waters of the British Colonies, substantially on the basis of the North Sea Fishery Convention. It establishes a prompt and economical procedure for dealing with breaches of the Treaty or of any laws and regulations affecting the fisheries; and while expressly excluding American fishermen from obtaining fishing supplies, it pledges the Governments of Canada and Newfoundland to afford to them every assistance and convenience that can be fairly asked for on grounds of humanity or international courtesy.

It also enlarges the conditions under which American fishermen have hitherto enjoyed the rights secured to them by the Convention of 1818.

Your Lordship will observe that the Plenipotentiaries have exchanged Protocols on the subject of a *modus vivendi* for a period of two years, in order to allow ample time for the consideration by the Senate of the United States and by the Legislatures of Canada and Newfoundland of the principal instrument.

By this arrangement, United States' fishermen will enjoy temporarily the advantages and commercial facilities contemplated by the Treaty in consideration of a licence issued at a moderate fee by the Governments of Canada and Newfoundland.

It may be hoped that in this way all possibility of the recurrence of the irritating incidents which marked the fishery season of 1886, and in a less degree that of 1887, may be obviated. I venture to hope that these arrangements will be approved by Her Majesty's Government, and that they may assist in confirming and extending the friendly and cordial relations between the United States and Great Britain.

I have great pleasure in saying that the relations between the British Plenipotentiaries have been of the most cordial and harmonious character throughout the whole of this protracted discussion. The desire felt by Sir Lionel West and myself to remove all just cause of irritation has been fully shared by Sir Charles Tupper, whose intimate knowledge of the subject of controversy has materially contributed to the successful issue of the negotiations. I have also to acknowledge the great advantage I have derived from the tact and large experience of Sir Lionel West.

Mr. Winter, Attorney-General of Newfoundland, was in Washington during the greater part of the proceedings, and was able to keep the British Plenipotentiaries fully informed of the views of his Government. At the request of the British Plenipotentiaries, Mr. Winter was invited to lay before the Conference the special case of Newfoundland, and presented a Memorandum dealing with the subject, which has already been forwarded to your Lordship.

I desire to call your Lordship's attention to the services rendered to me by my Secretaries, Mr. Pergne and Mr. Maycock.

The staff of the Commission was, at my own desire, on a much smaller scale than has been usual in Missions of this character. This has necessarily thrown on the two gentlemen who accompanied me a great amount of labour and responsibility which have been cheerfully borne by them, and I cannot over-estimate the value of the assistance they have given to me, and of the experience and knowledge of the subject which they have placed at my disposal.

I have, &c.
(Signed) J. CHAMBERLAIN.

UNITED STATES. No. 1 (1888).

FURTHER CORRESPONDENCE respecting North
American Fisheries, 1887-88 : with Despatch in-
closing Treaty signed at Washington, February 15,
1888.

[In continuation of "United States No. 2 (1887)";
C.—4995.]

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. March 1888.*

LONDON :
PRINTED BY HARRISON AND SONS.

CANADIAN PACIFIC RAILWAY COMPANY (CONTRACT).

RETURN to an Order of the Honourable The House of Commons,
dated 18 July 1889;—for,

COPY “of TREASURY MINUTE, dated the 18th July 1889, and of the
CONTRACT with the CANADIAN PACIFIC RAILWAY COMPANY, dated the 15th
July 1889, for the Conveyance of HER MAJESTY’S MAILS, TROOPS, and
STORES between *Halifax* or *Quebec* and *Hong Kong*, and for the Hire and
Purchase of VESSELS as CRUISERS or TRANSPORTS.”

Treasury Chambers, }
18 July 1889. }

W. L. JACKSON.

(*Mr. Jackson.*)

Ordered, by The House of Commons, to be Printed,
18 July 1889.

LONDON:
PRINTED BY HENRY HANSARD AND SON;
AND
Published by EYRE and SPOTTISWOODE, East Harding-street, London, E.C.,
and 32, Abingdon-street, Westminster, S.W.;
ADAM and CHARLES BLACK, North Bridge, Edinburgh;
and HODGES, FIGGIS, and Co., 104, Grafton-street, Dublin.

COPY of TREASURY MINUTE, dated the 18th July 1889, and of the CONTRACT with the CANADIAN PACIFIC RAILWAY COMPANY, dated the 15th July 1889, for the Conveyance of HER MAJESTY'S MAILS, TROOPS, and STORES between *Halifax* or *Quebec* and *Hong Kong*, and for the Hire and Purchase of VESSELS as CRUISERS or TRANSPORTS.

TREASURY MINUTE, dated 18th of July 1889.

MY LORDS have before them the contract, dated the 15th July 1889, which has been arranged with the Canadian Pacific Railway Company for the conveyance of Her Majesty's mails, troops, and stores between Halifax or Quebec and Hong Kong, and for the hire and purchase of vessels as cruisers or transports.

This contract is the result of a tender made by the company in response to the public advertisement of the Postmaster General in October 1885, inviting tenders for a mail service between Vancouver (Coal Harbour) and Hong Kong, as part of the Eastern mail service, for which the existing contracts were to terminate on 31st January 1888.

Two tenders were received for this portion of the service.

(1.) From Mr. A. Holt, Manager of the Ocean Steamship Company of Liverpool, for a fortnightly service between Vancouver and Hong Kong, at 11 knots for 108,000 *l.* a year, with an abatement for a $10\frac{1}{2}$ -knot speed, and an increase for a 12-knot speed.

(2.) From the Canadian Pacific Railway Company for a fortnightly service between Vancouver and Hong Kong in 460 hours, and between Hong Kong and Vancouver in 420 hours, exclusive of detention at Yokohama on both voyages (implying an average rate of speed of 13 knots and 14.02 knots respectively), for the sum of 100,000 *l.* per annum for 10 years.

In consideration of this subsidy, the Company also offered to carry the mails between Halifax or Quebec and Vancouver by train free of cost; to carry troops on service, and stores, at absolute cost; and to carry a moderate amount of such stores free between Vancouver and Hong Kong; larger quantities to be carried at the lowest rate for private goods.

They also offered to construct for the purposes of the contract, under Admiralty supervision, vessels of a high speed adapted for the conveyance of troops, and for conversion into armed cruisers.

This tender of the Company offered, at a less cost, a considerably better service than that offered by Mr. Holt; but as the payment to the Peninsular and Oriental Steam Navigation Company for the conveyance of the China Mails (which it was decided not to separate from the other Eastern Mail Services) would not be reduced by the diversion of part of the mails to another route, the tender of the Canadian Pacific Railway Company was not accepted.

The importance, however, of the establishment of an alternative route, both for the conveyance of mails, and for military and naval purposes, was continually pressed upon their Lordships, and in July 1887 the Canadian Pacific Railway Company submitted to the Government a modification of their previous tender.

4 TREASURY MINUTE:—CONVEYANCE OF MAILS, &c.

For a subsidy of 60,000 *l.* a year they offered to provide a monthly instead of a fortnightly service. They proposed to bring the port of Shanghai within the main route of the mail steamers; and they consented to include the land carriage within the time contract so as to meet the possibility of delay which might be caused by physical or climatic difficulties upon the railway. It was at the same time intimated to the Government that the Canadian Government would be prepared to contribute 15,000 *l.* a year towards the subsidy.

Her Majesty's Government considered the scheme as a whole, offering as it does direct communication entirely through British territory, and an alternative route to the East, desirable in the interests of the Empire, apart from postal considerations, and under these circumstances my Lords again took the question into consideration.

Though the scheme is not justifiable upon postal reasons alone, it offers an alternative service which saves several days as compared with the Suez route, and it is, therefore, of considerable value from a postal point of view. It has the land transit lying wholly within British territory, and as a military route it is held by the military and naval authorities to be of the highest importance. The offer of the company to construct mail steamers which could be employed by the Admiralty as armed cruisers in case of need, also accords with the policy already adopted in the case of certain other large steamship companies.

The Canadian Parliament in the Session of 1889 passed an Act authorising the payment of an annual subsidy of 15,000 *l.* sterling for a line of monthly mail steamers, running between the terminus of the Canadian Pacific Railway in British Columbia and Hong Kong, and the payment of 25,000 *l.* sterling per annum if the service were made fortnightly.

Some difficulty was felt with regard to the Atlantic portion of the line, the control of which is entirely in the hands of the Dominion Government. Satisfactory assurances were, however, given by that Government that the necessary acceleration of the service should be secured; and after much negotiation the terms of a contract were agreed upon, of which the following are the principal heads:—

POSTAL CLAUSES.

(2.) The service between Halifax or Quebec (according to the season) and Hong Kong will be one continuous and complete service at intervals of four weeks. Mails will be carried for any intermediate place at which the trains or vessels may call.

(6.) The vessels will call at Yokohama and Shanghai.

(7.) The periods of transit between Halifax or Quebec and Hong Kong will be within 684 hours from April to November, and within 732 hours from December to March, including stoppages.

(32.) In the event of purchase by the Admiralty of a vessel the Company will provide a substitute vessel for the Postal Service.

(33.) The subsidy will be 60,000 *l.* per annum, subject to penalties.

(34.) The penalty for failure to start a boat or train at the appointed time is fixed at 500 *l.*, and at 100 *l.* for every 24 hours' delay.

(35.) The penalty for late arrival is fixed at 100 *l.* for every 12 hours.

(38.) The

BETWEEN HALIFAX (OR QUEBEC) AND HONG KONG. 5

(38.) The contract runs for 10 years from the first departure from Hong Kong; it will be terminable on the 31st January 1898, if notice is given six months beforehand, and on payment of 20,000 *l.* by the Postmaster General. The first departure from Hong Kong is not to be fixed, without consent of the Company, earlier than 18 months from the date of the Agreement.

(39.) The penalty for not commencing the service on the appointed day is fixed at 100 *l.* for 24 hours' delay, but it is not to exceed a total sum of 20,000 *l.*

(44.) The Company may not underlet the Agreement, or any part of it, without the consent of the Postmaster General.

ADMIRALTY CLAUSES.

Schedule 2.

(1.) The Admiralty may require the conveyance (with their families) of eight officers, four non-commissioned and warrant officers, and ten seamen, marines, soldiers, or artificers by any one train or vessel, at first, second, and third class fares respectively, with regulation baggage.

(9.) Troops, &c., on service will be conveyed "at cost."

(10.) Small packages will be conveyed for the Admiralty at the lowest rate of freight charged by the Company on private goods of a similar character; heavy goods will be carried at rates specified in the contract.

Schedule 3.

(1.) The Company undertake to construct all vessels engaged for the service with gun platforms and other fittings required by the Admiralty, and to sell them to the Admiralty if required.

(2.) The vessels are to run $17\frac{1}{2}$ knots an hour on the measured mile, and 16 knots an hour on sea trial.

(3.) The Admiralty may hire the vessels at 20 *s.* per ton per month, the Admiralty providing and paying the crew.

(6.) The purchase price will be the value on the day of purchase, with 10 per cent. for compulsory sale, and a further sum to be settled by agreement representing the cost of delivery on the North Pacific station. The value on the day of purchase will be the cost price to the Company in the United Kingdom, less 6 per cent. per annum, from the day of completion to the day of purchase.

(7.) A contract vessel sold to a British shipowner will remain subject to the terms of the agreement.

(8.) The Company undertake to employ, as far as possible, members of the Royal Naval Reserve.

(11.) The risk and expense of a vessel hired by the Admiralty will be borne by the Admiralty from the date on which the Admiralty provides the officers and crew.

The net cost of the service to the Imperial Government, after deducting the contribution of 15,000 *l.* which the Dominion Government has agreed to pay, will amount to 45,000 *l.* a year. A sum of about 2,165 *l.* a year now paid to France and Italy for the conveyance of the China and Japan Mails by other routes, may perhaps be saved; on the other hand, the cost of conveying the mails across the Atlantic may amount to 650 *l.* a year.

6 TREASURY MINUTE :—CONVEYANCE OF MAILS, &c.,

The Canadian Pacific Railway will present an alternative route for Australian and New Zealand Mails. At present those mails, when sent *viâ* America, travel *viâ* New York and San Francisco, and a specially high rate is paid for the United States land transit. Under the proposed Contract, it will be possible to send them *viâ* Quebec (or Halifax) and Vancouver on payment of the ordinary Postal Union rates of transit to the Canadian Post Office, and possibly the mail route *viâ* the Pacific to Australia will be diverted from San Francisco to Vancouver.

My Lords approve the Contract.

Let Copy of the Contract and of the above Minute be laid before Parliament.

BETWEEN HALIFAX (OR QUEBEC) AND HONG KONG. 7

COPY of a CONTRACT, dated 15th July 1889, between HER MAJESTY'S POSTMASTER GENERAL, the LORDS COMMISSIONERS OF THE ADMIRALTY, and the CANADIAN PACIFIC RAILWAY COMPANY for the CONVEYANCE of MAILS, TROOPS, and STORES, between *Halifax* (or *Quebec*) and *Hong Kong*, and for the Hire and Purchase of VESSELS as CRUISERS or TRANSPORTS.

CONTRACT OF 15TH JULY 1889.

CONVEYANCE OF MAILS, TROOPS, AND STORES BETWEEN
HALIFAX (OR QUEBEC) AND HONG KONG.

And for the HIRE and PURCHASE of VESSELS as CRUISERS or TRANSPORTS.

ARTICLES OF AGREEMENT under seal made and entered into this Fifteenth day of July 1889 between the Right Honourable Henry Cecil Raikes Her Majesty's Postmaster General (hereinafter called the Postmaster General in which term is included any and every his successor in office Her Majesty's Postmaster General for the time being) on behalf of Her Majesty of the first part the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (hereinafter called the Admiralty) on behalf of Her Majesty of the second part the Canadian Pacific Railway Company whose place of business in the United Kingdom is at 88 Cannon-street in the City of London (hereinafter called the Company) of the third part and Sir George Stephen Baronet of the City of Montreal in the Dominion of Canada and Sir Donald Alexander Smith K.C.M.G. of the City of Montreal in the Dominion of Canada of the fourth part.

These presents Witness that the Postmaster General (as to the covenants agreements and stipulations hereinafter contained on his part) and the Admiralty and their successors (as to the covenants and agreements and stipulations hereinafter contained on their part) do respectively hereby covenant and agree with the Company and their successors and the Company for themselves their successors and assigns (as to the covenants agreements and stipulations hereinafter contained on their part) do hereby covenant and agree with the Postmaster General and as a separate covenant with the Admiralty and their successors in manner following (that is to say) :

SERVICES TO BE PERFORMED.

1. For all the purposes of these presents the term " mails " shall be construed and held to comprehend all boxes bags or packets of letters postcards newspapers books or printed papers parcels and all other articles which under the regulations of the Post Office for the time being are transmissible by the post without regard either to the place to which they may be addressed or to that in which they may have originated and also all empty bags empty boxes baskets and other receptacles and other stores and articles used or to be used in carrying on the Post Office service which shall be sent by to or from any Post Office in any country or place to or from which mails are required to be conveyed in pursuance of this Agreement.

Definition of
mails.

2. Subject to the provisions of this Agreement the Company shall and will during the continuance of this Agreement at their own costs and charges in all respects convey or cause to be conveyed once in every four weeks in

Mail services in
general.

8 CONTRACT FOR THE CONVEYANCE OF MAILS, &c.,

each direction all mails which the Postmaster General or any of his deputies officers servants or agents shall from time to time require to be conveyed in either direction between Halifax or Quebec (as hereinafter provided) in the Dominion of Canada and the port of Hong Kong in China and between the several ports and places mentioned in the First Schedule hereto. Such conveyance shall be effected by way of the port of Vancouver in the Province of British Columbia and shall be effected between Halifax or Quebec (as the case may be) and the said port of Vancouver by means of railway trains and between the said port of Vancouver and the said port of Hong Kong by means of steam vessels. All such trains and vessels respectively shall be provided by the Company and such conveyance shall be conducted throughout as one continuous and complete service and the Company shall be responsible for the safe conveyance and delivery of the mails by means of such trains and vessels.

Land service routes.

3. All mails to be conveyed by the Company in pursuance of this Agreement by means of railway trains shall be conveyed over the railways of the Company during the summer season or period when the navigation of the St. Lawrence River is open from and to Quebec direct to and from the steam vessels to be despatched from and to arrive at the said port of Vancouver and during the winter season or period when the navigation of the St. Lawrence River is closed from and to Halifax direct to and from the said steam vessels at the said port of Vancouver.

Mails to be conveyed at times fixed by Postmaster-General.

4. All mails to be conveyed under this contract as aforesaid shall be conveyed by the Company on such days and at such hours as the Postmaster General shall appoint either by a time table or time tables from time to time approved by him in accordance with the terms of this Agreement or otherwise as he shall think fit.

Manner of conveyance.

5. Subject to the provisions of this Agreement the conveyance of the mails between Halifax or Quebec (as the case may be) and Hong Kong shall be effected by the Company in the following manner :

(1.) On the journey from Halifax or Quebec (as the case may be) to Hong Kong a train to be provided by the Company shall start from the Inter-Colonial Railway Terminus at Halifax or the Louise Embankment at Quebec (as the case may be) at the time appointed by the Postmaster General or so soon thereafter as the mails shall have been delivered alongside the train by the steamer which has conveyed the said mails across the Atlantic or by any tender serving such steamer and can be placed in such train. The Company shall load the mails in such train and such train shall proceed with the said mails to the said port of Vancouver. The Company shall accept at all stations or places at which such train shall stop such mails as shall be tendered to them under the provisions of this Agreement and at the said port of Vancouver the Company shall transfer the mails conveyed under this Agreement to one of the steam vessels to be provided by the Company and shall accept and embark in such vessel such other mails as may be tendered for conveyance by such vessel at the said port of Vancouver and the said steam vessel to be so provided shall put to sea from the said port so soon as the mails are embarked and shall proceed on her voyage to Hong Kong touching or calling at the several ports or places hereinafter mentioned.

(2.) On the journey from Hong Kong to Halifax or Quebec (as the case may be) one of the vessels to be provided by the Company under this Agreement shall put to sea from Hong Kong at the time appointed by the Postmaster General and shall proceed on her voyage to Vancouver touching or calling at the several ports or places hereinafter mentioned and at the said port of Vancouver the Company shall disembark the said mails and transfer to one of the trains to be provided by the Company all such of the said mails as are intended for conveyance to Halifax or Quebec (as the case may be) or to any station or place at which such train shall

BETWEEN HALIFAX (OR QUEBEC) AND HONG KONG. 9

shall stop between Vancouver and Halifax or Quebec and shall hand the residue of the said mails to the Postmaster of the said port of Vancouver and a train to be provided by the Company shall start from Vancouver so soon as such mails as aforesaid can be placed in such train and shall proceed with the said mails to the Inter-Colonial Railway Terminus at Halifax or the Louise Embankment at Quebec (as the case may be) and on arrival thereat the Company shall deliver the mails to the Atlantic steamer proceeding to England or to any tender serving such steamer but if no steamer be ready to take the mails to England the Company shall deliver the mails to the Postmaster of Halifax or Quebec (as the case may be) to be by him delivered to the Atlantic steamer when ready.

6. On the outward voyages from the port of Vancouver aforesaid to the port of Hong Kong the vessels to be provided by the Company shall call at Yokohama and Shanghai and on the homeward voyages from the port of Hong Kong to the port of Vancouver the said vessels shall call at Shanghai and Yokohama and at the option of the Company at the port of Hiogo (Kobe). Places of call.

7. All mails to be conveyed under the provisions of this Agreement by such trains and vessels respectively as aforesaid from Halifax or Quebec (as the case may be) to the port of Hong Kong or from Hong Kong to Halifax or Quebec (as the case may be) shall be so conveyed by the Company during the continuance of this Agreement within the complete and entire periods next hereinafter mentioned (that is to say) between the 1st day of April and the 30th day of November (both inclusive) in each year within a total period of 684 hours and between the 1st day of December and the 31st day of March (both inclusive) in each year within a total period of 732 hours which said periods respectively shall be calculated in the manner hereinafter mentioned or specified and shall respectively include all stoppages of the said vessels and trains. Periods of transit.

8. The periods of 684 hours and 732 hours hereinbefore mentioned are hereinafter called periods of transit and shall in all cases be reckoned from the time of the despatch of the train or vessel by which respectively the first part of the transit shall be performed to the completion of the voyage of the vessel or the journey of the train by which the last part of the transit shall be performed. Calculation of periods of transit.

9. The times of the commencement and completion of every such journey and voyage comprised in each such period of transit as aforesaid shall be ascertained and recorded by officers of the Postmaster-General in pursuance of arrangements to be from time to time made by him for such purposes and the decision of the Postmaster General as to all questions relating to periods of transit shall be final and conclusive. Postmaster-General to decide as to such questions.

10. A voyage from Hong Kong shall be deemed to commence so soon after the time appointed by the Postmaster-General for the commencement thereof or after the completion of the embarkation of the mails on board the vessel by which the voyage is intended to be performed whichever shall last happen as (having regard to practical considerations) the anchor of the vessel can be weighed or the vessel can be loosed from her moorings and a voyage to Hong Kong shall be deemed to be completed when the vessel by which the voyage has been performed has arrived at a position in the port of Hong Kong from which the mails can be conveniently delivered and has dropped her anchor or been attached to her moorings. Commencement and end of service at Hong Kong.

RAILWAY SERVICE.

11. The Company shall and will at all times during the continuance of this Agreement or so long as the whole or any part of the services hereby agreed to be performed by means of railway trains ought to be performed in pursuance hereof and at the cost and charges of the Company provide furnish and keep in complete repair and readiness to the satisfaction of the Postmaster-General for the purpose of conveying the mails as herein provided between Halifax or Quebec (as the case may be) and the port of Vancouver Railway trains to be provided for land service.

10 CONTRACT FOR THE CONVEYANCE OF MAILS, &c.,

Vancouver a sufficient number of good and substantial railway carriages with all proper internal and external fittings and appliances for the conveyance of the mails therein and also a sufficient number of suitable locomotive engines of adequate power capacity and speed for the expeditious and punctual conveyance of the said mails in accordance with this Agreement and all such other accommodation for the purposes of the due and proper conveyance of the mails by railway as herein provided as the Postmaster-General his deputies officers servants or agents may from time to time reasonably require.

Unfit carriages to be taken off.

12. If the Postmaster-General shall at any time consider any of the railway carriages to be provided and furnished by the Company for the purposes of this Agreement as aforesaid unfit for the conveyance of mails under this Agreement the Company shall upon being required so to do either by the Postmaster-General or such other person or persons as he may at any time or times in that behalf authorise substitute another carriage or other carriages for the conveyance of mails in the place of the carriage or carriages so considered unfit for the purposes aforesaid.

Place for the deposit of mails.

13. The Company shall to the satisfaction of the Postmaster-General at their own cost provide in each train to be provided under this Agreement a separate and suitable carriage compartment of a carriage or other place for the convenient and secure deposit of the mails under lock and key and take and adopt all such other proper measures and precautions as may be necessary or expedient for the safety of the mails during their conveyance by train under this Agreement.

Guards to take charge of mails.

14. The guards or other servants from time to time employed in the railway business of the Company shall at all times without any remuneration other than the subsidy herein provided to be paid to the Company take charge of all mails conveyed or intended to be conveyed under this Agreement by any train over the railways of the Company and shall at all times take due care of and protect the mails to the utmost of their power.

Power to delay trains.

15. The Postmaster-General or any of his deputies officers or agents may in the event of delay in the arrival at Halifax or Quebec respectively of any of the steamers carrying from the United Kingdom mails intended to be conveyed under this Agreement or in any other event in which in his or their opinion it may be requisite for the public service so to do delay the departure from Halifax or Quebec respectively of any special mail train intended to convey mails under this Agreement beyond the time appointed for the departure of such train from such place respectively and may for such purpose order such delay by letter addressed to the station master of the Company or person acting as such station master at Halifax or Quebec (as the case may be) and any such letter shall be deemed a sufficient authority for any such detention.

SEA SERVICE.

Vessels to be provided for sea service.

16.—(1.) For the purpose of conveying the mails by sea as in this Agreement provided the Company shall and will at all times during the continuance of this Agreement or so long as the whole or any part of the services hereby agreed to be performed by means of steam vessels ought to be performed in pursuance hereof provide keep seaworthy and in complete repair and readiness to the satisfaction of the Postmaster-General a sufficient number of good substantial and efficient steam vessels of adequate power and speed and supplied with first rate appropriate steam engines and in all respects suited to the performance of the services herein agreed to be performed within the respective times herein stipulated.

(2.) In particular and without prejudice to the generality of the preceding provision the Company shall and will for the purpose aforesaid construct and provide at least three new steam vessels to be approved in all respects as well by the Postmaster-General as by the Admiralty and will so far as possible perform the services by this Agreement agreed to be performed by means of such vessels from the day of the commencement of such services throughout the continuance of this Agreement.

17. The

BETWEEN HALIFAX (OR QUEBEC) AND HONG KONG. 11

17. The vessels to be provided under this Agreement shall be always furnished with all necessary and proper tackle stores boats fuel lamps oil tallow provisions machinery engines anchors cables fire-pumps and all other proper and requisite means of extinguishing fire lightning-conductors charts chronometers proper nautical instruments and all other furniture and apparel and whatsoever else may be requisite and necessary for equipping the said vessels and rendering them constantly efficient for the said services and shall be manned with legally qualified and competent officers with appropriate certificates granted pursuant to the Act or Acts in force for the time being relative to the granting certificates to officers in the British merchant service and also with competent engineers and a sufficient crew of able seamen and other men and with a competent surgeon.

Equipment.

18. If the Postmaster-General shall consider any of the Company's vessels unfit for the conveyance of mails he may by writing under his hand or under the hand of one of the secretaries or assistant secretaries of the Post Office require the Company to show cause why such vessel should not be withdrawn from the service and unless within six weeks after such requisition the Company shall show cause to the contrary to the satisfaction of the Postmaster-General he may at any time after the expiration of the said period of six weeks by writing under his hand or under the hand of one of the secretaries or assistant secretaries of the Post Office declare such vessel to be unfit for the conveyance of mails and after such declaration shall have been made it shall not be lawful for the Company to employ such vessel in the performance of this Agreement and in order to determine whether the Postmaster-General is justified in declaring any vessel unfit for the conveyance of mails or whether the Company is able to show cause to the contrary a special examination shall if required by the Postmaster-General be made of the hull and machinery of any such vessel by such person or persons as may be selected for that purpose by the Postmaster-General.

Unfit vessels to be taken off.

19. The equipment officers engineers and crew of each vessel when such vessel is in any British port shall be subject at all times to the inspection of the Postmaster-General or of such other person or persons as he shall at any time or times authorise to make such inspection.

Equipment to be subject to approval of Postmaster-General.

20. The Company shall at their own cost provide on each of the vessels to be employed in the service under this Agreement a separate and suitable room or rooms for the convenient and secure deposit of the mails under lock and key.

Place of deposit for mails.

21. The master or commander of every vessel employed in the performance of this Agreement shall without any remuneration other than the subsidy herein provided to be paid to the Company take charge of the mails conveyed or tendered for conveyance by every such vessel and adopt all necessary measures and precautions for the safety of the said mails to the satisfaction of the Postmaster-General his officers and agents.

Master to take charge of mails.

22. Each of such masters or commanders shall make the usual declaration or declarations required or which may hereafter be required by the Postmaster-General in such and similar cases and furnish such journals returns and information and perform such services in connection therewith as the Postmaster-General or his agents may require and every such master commander or officer duly authorised by him having the charge of mails shall himself immediately on the arrival of any such vessel at any port or place deliver all mails addressed to or intended for delivery at such port or place into the hands of the Postmaster or of such other person at such port or place as the Postmaster-General shall authorise and receive in like manner all the return or other mails to be forwarded in due course.

Declaration.

23. The Company shall at all times be at liberty to land and embark the mails at Shanghai by means of a small steam vessel plying between the landing place at the said port of Shanghai and the place of anchorage at or near the lightship at the mouth of the Woosung River and accordingly the Company shall in addition to the vessels hereinbefore mentioned provide at the port of Shanghai aforesaid a small steam vessel which said vessel shall

Landing and embarkation of mails at Shanghai.

12 CONTRACT FOR THE CONVEYANCE OF MAILS, &c.,

be so constructed as to be able at all states of the tide to land and embark the mails at Shanghai aforesaid and shall at all times keep such last-mentioned vessel in complete repair and ready for landing and embarking the mails thereat accordingly.

Power to delay
vessels.

24. Should it be deemed by the Postmaster-General his officers or agents requisite for the public service that any vessel to be employed under this Agreement should at any time delay her departure from any port from which the mails are to be conveyed under this Agreement beyond the time appointed for her departure therefrom the Postmaster-General or any of his officers or agents shall have power to order such delay (not however exceeding 24 hours) by letter addressed by him or them to the master of any such vessel or any person acting as such and any such letter shall be deemed a sufficient authority for such detention.

Quarantine.

25. The Company shall undertake and make all necessary and proper arrangements relative to quarantine in respect of the vessels employed in the performance of the services under this Agreement and no deduction shall be made from the subsidy hereinafter mentioned nor shall the Company be otherwise liable for or by reason of any delay in the landing embarkation delivery or conveyance of any mails arising from the imposition of quarantine.

Other letters not to
be carried.

26. The Company shall not nor shall any master or commander of any vessel belonging to or chartered or hired by the Company receive or permit to be received on board any such vessel any letter for conveyance other than those contained in Her Majesty's mails and such letters as are not required by law to pass through the Post Office nor shall the Company nor any such master or commander receive or permit to be received on board any vessel any mails for conveyance on behalf of any British Possession (except the Dominion of Canada) or any foreign country without the consent of the Postmaster-General and the entire postage of all mails conveyed by any vessel under this Agreement shall in all cases (except in the case of such mails originating in the said Dominion of Canada as may be thereby conveyed under any Contract between the Company and the Government of the said Dominion) belong to the Postmaster-General and be absolutely free from all claims or demands whatsoever of or by the Company under or by virtue of this Agreement or otherwise,

Dangerous articles.

27. The Company shall not convey in any vessel employed by them in pursuance of this Agreement any nitro-glycerine or any other article which shall have been legally declared specially dangerous.

MODIFICATION OF SERVICES.

As to time.

28. If at any time or times the Postmaster-General shall either on account of any alteration in the ports of call or for any other reason whatever desire to alter the particular days or hours appointed for the conveyance of the mails under this Agreement he shall be at liberty so to do on giving to the Company three calendar months' notice in writing of such his desire provided such alterations do not necessitate any increase in the respective rates of speed which under the provisions hereinbefore contained will have to be maintained by the respective vessels and trains to be employed under this Agreement for the conveyance of the mails within the respective periods of transit hereinbefore prescribed.

As to other matters.

29. The Postmaster-General may from time to time on reasonable notice to the Company modify the services hereby agreed to be performed in other respects than as aforesaid (as for example by increasing or decreasing the frequency of the conveyance of mails between any of the ports or places between which mails are to be conveyed under this Agreement or by extending the conveyance of mails to any other ports or places not specified in this Agreement or by discontinuing the conveyance of mails to or from any port or place specified in this Agreement) and from and after the expiration of any such notice the modified services thereby required to be performed shall be accordingly performed by the Company in lieu of the services hereby

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hereby agreed to be performed and in every such case if such notice cause an increase of the services hereby agreed to be performed the Postmaster-General shall in respect of such increase pay to the Company in addition to the subsidy hereinafter agreed to be paid such sum of money as may be agreed upon between the Postmaster-General and the Company or failing such agreement as shall be determined by arbitration or if such notice cause a decrease of the services hereby agreed to be performed the Postmaster-General shall in respect of such decrease deduct from the said subsidy such sum of money as may be agreed on as aforesaid or failing such agreement as shall be determined by arbitration.

30. Any days and hours appointed under the last two preceding clauses hereof or either of them shall for the time being be deemed to be the days and hours appointed under this Agreement and shall be observed and kept by the Company accordingly.

Substitution of altered days and hours.

ADMIRALTY CLAUSES.

31. During the continuance of this Agreement the several stipulations and conditions specified in the Second and Third Schedules hereto shall be binding upon the Company and the Admiralty respectively.

Admiralty clauses.

32. In the event of the Admiralty at any time during the continuance of this Agreement considering it necessary for the public interest to purchase under the power in that behalf contained in the Third Schedule hereto any vessel for the time being employed or intended to be employed under this Agreement or to charter the same exclusively for Her Majesty's service the services hereby contracted to be performed shall if possible be performed by another vessel to be provided by the Company to the satisfaction of the Postmaster-General and the Admiralty. And in the event of the Company in consequence of any such purchase as aforesaid being unable (wholly or in part) to perform such services the subsidy hereinafter mentioned shall cease to be paid or (as the case may be) there shall be paid to the Company instead of such subsidy such annual sum of money as shall be agreed upon between the Postmaster-General and the Company or in case of difference shall be determined by arbitration.

Substitution of other vessels in certain events.

SUBSIDY AND DEDUCTIONS.

33. In consideration of the covenants and agreements herein contained and on the part of the Company to be observed and performed and of the due and faithful performance by the Company of all the services under this contract there shall be payable to the Company during the continuance of this Agreement (out of such aids or supplies as may from time to time be appropriated by Parliament for that purpose) a yearly subsidy or sum after the rate of 60,000 *l.* per annum or (in the event of any such default or failure as hereinafter mentioned) so much of the said subsidy or sum as shall remain payable in respect of any year after making such deductions therefrom (if any) as hereinafter in that behalf mentioned in respect of any such default or failure.

Subsidy.

34. If at any time the Company fail to provide a proper and suitable railway train as hereinbefore specified at Halifax or Quebec (as the case may be) ready to start on and at the appointed day and hour or an efficient vessel at the Port of Hong Kong ready to put to sea on and at the appointed day and hour or if such train or vessel fail to start or put to sea on or at the appointed day and hour then and so often as any such default shall happen there shall be deducted from the subsidy which would in the absence of any such default be payable to the Company for the current year the sum of 500 *l.* and also the further sum of 100 *l.* for every successive 24 hours which shall elapse until such train or vessel actually starts or proceeds to sea on the appointed journey or voyage in pursuance of this Agreement Provided always that the total amount of the sums deducted as last aforesaid shall

Penalties for not providing train or vessel.

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shall not in the aggregate exceed by a sum greater than the sum of 500 *l.* that part of the said subsidy of 60,000 *l.* for the current year which shall be applicable to the whole journey reckoned from the station or port of departure to the port or station of arrival in respect of which default shall have been made.

Penalties for overtime.

35. If at any time or times Her Majesty's mails shall not be conveyed from Halifax or Quebec (as the case may be) as aforesaid to Hong Kong or from Hong Kong to Halifax or Quebec (as the case may be) as aforesaid within the respective periods of transit hereinbefore stipulated in that behalf then and so often as the same shall happen there shall be deducted from the subsidy which but for this provision would be payable to the Company for the current year a sum of 100 *l.* for every complete period of 12 hours by which the time actually occupied in the conveyance of such mails shall have exceeded the period of transit hereinbefore stipulated in that behalf respectively. Provided always that the total amount of the sums deducted in respect of any such default or failure as hereinbefore mentioned in the delivery of mails shall not exceed that part of the said subsidy of 60,000 *l.* for the current year which shall be applicable to the journey in respect of which such default or failure occurs.

Nature of deductions.

36. Each of the deductions hereinbefore mentioned and hereby agreed to be made shall be made and the yearly subsidy of 60,000 *l.* shall be reduced accordingly although no damage or loss shall have been sustained by reason or in connexion with such default and no such deduction shall in any case be deemed to be a penalty or in the nature of a penalty and the payment by the Postmaster-General of what shall from time to time remain due in respect of the said subsidy of 60,000 *l.* after making any such deduction as aforesaid shall in no case prejudice the right of the Postmaster-General to treat as a breach of this Agreement the failure of the Company to provide an appropriate train or vessel at any appointed place or time or to perform any service at or within the appointed period.

Accounts.

37. All accounts in relation to the said subsidy and any deduction therefrom or additions thereto as hereinbefore provided shall be made out and settled up to and on or as soon as conveniently may be after the 31st day of March the 30th day of June the 30th day of September and the 31st day of December in each year and the amount or balance (if any) which shall be justly due to the Company on each such quarterly account shall be paid by the Postmaster-General out of such aids or supplies as aforesaid upon the settlement of such account and for the purposes of such accounts the said yearly subsidy of 60,000 *l.* or any increased or decreased subsidy which may become payable under or by virtue of any of the provisions herein contained shall be deemed to accrue from day to day subject to the liability of the same to be reduced by such deductions as aforesaid.

TERM OF AGREEMENT AND INCIDENTAL PROVISIONS.

Term.

38.—(1.) The Company shall commence the performance of the services hereby agreed to be performed on the day on which the first of the said steam vessels shall be appointed by the Postmaster-General to start with the mails from the said port of Hong Kong and this Agreement shall continue in force until the expiration of ten years from the day of the said first departure from Hong Kong and shall then absolutely determine.

(2.) Provided nevertheless that it shall be lawful for the Postmaster-General absolutely to determine this Agreement on the 31st day of January 1898 by giving to the Company six months' previous notice in writing to that effect under his hand or the hand of one of the secretaries or assistant secretaries for the time being of the Post Office and in the event of such notice being given this Agreement shall determine accordingly on the said last-mentioned day.

(3.) Provided also that in the event of the determination of this Agreement on the 31st day of January 1898 as hereinbefore provided the Postmaster-General shall pay to the Company in addition to the subsidy or sum

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sum which may be payable to them under this Agreement up to the 31st day of January 1898 the sum of 20,000 *l.* which said last-mentioned sum shall be received and accepted by the Company in full satisfaction of all damages expenses claims and demands which they may sustain or incur by reason or in consequence of such earlier determination of this Agreement as aforesaid.

(4.) The Postmaster-General shall not without the consent of the Company appoint a day on which the first of the said steam vessels shall start from the said port of Hong Kong earlier than the first day after the expiration of 18 months from the date of this Agreement.

39.—(1.) If the Company shall fail to commence the performance of the services hereby agreed to be performed by means of such new vessels as aforesaid and generally in manner hereby provided on the day appointed by the Postmaster-General in that behalf the Company shall pay to Her Majesty her heirs or successors as stipulated or ascertained damages in respect of such default the sum of 100 *l.* for every successive period of 24 hours which shall elapse before the Company shall commence the performance of such services. Provided always that the total amount which shall become payable by the Company in respect of such default as aforesaid shall not in the aggregate exceed 20,000 *l.*

Failure to commence services.

(2.) Provided also that if the Company shall be prevented by strikes or combinations of workmen from providing one of the new vessels to be constructed under the provisions of this Agreement for the conveyance of the mails from Hong Kong on the day appointed for the commencement of the services under this Agreement the Company shall not be liable to make such payments as in this clause provided if the Company provide another vessel for the conveyance of such mails and if the Company provide such new vessels for the performance of the said services within such time after the said appointed day as the Postmaster-General may think reasonable.

40. If on the determination of this Agreement any vessel or vessels or any train or trains shall have started or ought to have started with any mails on any voyage or voyages or journey or journeys in conformity with this Agreement the whole journey and voyage between Halifax or Quebec (as the case may be) and Hong Kong on which any such train or vessel shall have started shall be continued and performed and the mails shall be conveyed embarked transferred and delivered during and at the determination of the same as if this Agreement had remained in force. And with respect to such trains vessels and services as last aforesaid respectively this Agreement shall be considered as having terminated when the whole journey and voyage between Halifax or Quebec (as the case may be) and Hong Kong on which any such train or vessel shall have started shall be completed and all services in connexion with such journey and voyage shall have been performed but the Company shall not be entitled to receive any payment or compensation over and above the subsidy payable on the day when this Agreement (otherwise than as to the said journey or journeys voyage or voyages) determined.

Completion of journey at end of Agreement.

SUPPLEMENTAL PROVISIONS.

41.—(1.) The Company shall at their own cost load and unload the mails conveyed or intended to be conveyed under this Agreement by the trains to be provided thereunder and land and embark the mails conveyed or intended to be conveyed under this Agreement by the steam vessels to be provided thereunder and shall at their own cost transfer the mails at the port of Vancouver from the trains to the vessels and from the vessels to the trains of the Company.

Company to load unload land embark and transfer mails.

(2.) The Company shall accordingly at their own cost provide an adequate number of porters and other servants and suitable apparatus and other means for loading unloading landing embarking and transferring the mails as in this clause provided and shall be wholly responsible for the due loading unloading embarking landing transfer and delivery of the mails.

(3.) The Company and all officers agents and servants of the Company shall at all times punctually attend to the orders and directions of the Postmaster-General his deputies officers servants or agents as to the mode time and place of loading unloading landing embarking transferring and delivering the mails and shall at all times protect the mails to the utmost of their power.

Delegation of powers.

42. The Postmaster-General may from time to time delegate any of the powers vested in him by virtue of these presents to such person or persons as he shall think fit.

Notices.

43.—(1.) All notices or directions which the Postmaster-General his officers or agents or the Admiralty their officers or agents are hereby authorised to give to the Company their officers servants or agents (other than any notice of termination of this Agreement) may at the option of the Postmaster-General his officers or agents or (as the case may be) the Admiralty their officers or agents be delivered or sent by post to the master of any of the said vessels or any other officer or agent of the Company in the charge or management of any vessel employed in the performance of this Agreement or be left for the Company at or sent by post to their office or house of business in London or any other place and any notices or directions so given or left shall be binding on the Company.

(2.) Provided always that any notice of determination of this Agreement shall be served on the Company their officers servants or agents at their office or last known office in London or sent by post to such office.

Restriction upon assignment or under-letting.

44. The Company shall not assign underlet or dispose of this Agreement or any part thereof without the consent of the Postmaster-General signified in writing under his hand or under the hand of one of the Secretaries or Assistant Secretaries of the Post Office.

Determination of Agreement on breach.

45. In case of any breach of this Agreement or any covenant matter or thing herein contained (relating to the obligations of the Company either towards the Postmaster-General or towards the Admiralty) on the part of the Company their officers agents or servants it shall be lawful for the Postmaster-General if he shall think fit and notwithstanding there may or may not have been any former breach of this Agreement by writing under his hand or under the hand of one of the Secretaries or Assistant Secretaries of the Post Office to determine this Agreement without any previous notice to the Company or their agents and the Company shall not be entitled to any compensation in respect of such determination and such determination shall not deprive the Postmaster-General of any right or remedy to which he would otherwise be entitled by reason of such breach or any prior breach of this Agreement.

Arbitration.

46. All matters which in pursuance of the provisions herein or in the Schedules hereto contained are to be determined by arbitration shall be referred to two arbitrators or their umpire respectively resident in England and every or any such reference shall with regard to the mode and consequences thereof and in all other respects be made in conformity with and pursuant to the provisions in that behalf contained in the Common Law Procedure Act 1854 or any then subsisting statutory modification thereof and upon every or any such reference the arbitrators and umpire shall respectively have power to examine the parties and witnesses upon oath or affirmation and every or any such reference may be made a rule or order of any division of Her Majesty's High Court of Justice on the application of either party and such party may instruct counsel to consent thereto for the other party.

Exclusion of Members of House of Commons from share in Contract.

47. In pursuance of the provisions contained in an Act of Parliament passed in the 22nd year of the reign of King George the Third intituled "An Act for restraining any person concerned in any contract commission or agreement made for the public service from being elected or sitting and voting as a Member of the House of Commons" no Member of the House of Commons shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom contrary to the true intent and meaning of the said Act.

48. The

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48. The Schedules to this Agreement and the conditions marked A and B referred to in the Third of the said Schedules shall be deemed to be part of this Agreement in all respects as if the same had been incorporated therein.

Schedules to be
deemed part of
Agreement.

49. This Agreement shall not be binding until it has been approved by a Resolution of the House of Commons of the United Kingdom.

Approval of House
of Commons.

BOND.

50. And lastly for the due and faithful performance of all and singular the covenants stipulations conditions provisoes clauses articles and agreements herein and in the Schedules hereto contained which on the part and behalf of the Company are or ought to be observed performed fulfilled and kept the Company and the said Sir George Stephen and Sir Donald Alexander Smith do hereby bind themselves jointly and severally and each and any two of them and their respective successors heirs exécutors administrators and assigns unto Our Sovereign Lady the Queen in the sum of 20,000 *l.* of lawful money of the United Kingdom to be paid to Our Lady the Queen Her heirs and successors by way of stipulated or ascertained damages hereby agreed upon between the Postmaster General the Admiralty and the said other parties hereto respectively in case of the failure on the part of the Company in the due execution of this Agreement or any part thereof In witness whereof the said parties hereto have hereunto respectively set their hands and seals the day and year first before written.

Bond.

THE SCHEDULES.

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

PLACES BETWEEN WHICH MAILS ARE TO BE CONVEYED.

In either direction between Halifax or Quebec (as the case may be) and Hong Kong.

In either direction between Halifax or Quebec (as the case may be) and any port or place at which any vessel employed under this Contract may touch or call between Vancouver and Hong Kong.

In either direction between any place which is situate between Halifax or Quebec (as the case may be) and Vancouver and at which any train employed under this agreement shall stop and Hong Kong.

In either direction between any such place as last aforesaid and any port or place at which any vessel employed under this Contract may touch or call between Vancouver and Hong Kong.

In either direction between Vancouver and any port or place at which any vessel employed under this Contract may touch or call between Vancouver and Hong Kong.

In either direction between any two ports or places between Vancouver and Hong Kong.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

STIPULATIONS AND CONDITIONS AS TO CONVEYANCE OF GOVERNMENT PASSENGERS TROOPS AND STORES.

1. The company shall when and so often as they or the masters or commanders of their vessels to be employed under this Agreement shall be required in writing so to do by the Admiralty or by any officers or agents acting under their authority (such writing to specify the rank or description of the person or persons to be conveyed and the accommodation to be provided for him or them) receive provide for victual and convey between any of the ports or places between which any trains or vessels are to proceed in the performance of this Agreement (a) any number of naval military or civil officers in the service of Her Majesty not exceeding eight in any one train or ship with or without their wives and children as first class or chief cabin passengers (together with their servants male and female who are to have the same accommodation as that provided for the servants of other passengers or of officers of the Company) and (b) any number of non-commissioned and warrant officers not exceeding four in any one train or ship with or without their wives and children as second class or fore cabin passengers and also (c) any number of seamen marines soldiers or artificers in Her Majesty's service not exceeding 10 in any one train or ship with or without their wives and children as third-class or deck passengers to be always provided with effectual protection from rain sun and bad weather and not exposed on deck without such competent shelter and to have in the trains of the Company accommodation in the Colonist sleeping carriage and in the vessels of the Company hammocks or bunks (subject to the approval of the Admiralty) placed between decks The accommodation provided for first-class or chief cabin passengers is (if the passenger so desires) to include the use of a sleeping saloon berth in the trains of the Company upon payment of the usual extra charge therefor.

2. The passengers who shall be conveyed in pursuance of the last preceding clause (who are hereinafter designated Government passengers) with their families shall be treated in no respect whether as regards food cabin or other accommodation or aught else in a way inferior to that of ordinary passengers
of

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of the same class or to that required by the Regulations of Her Majesty's Transport Service. The messing of the second-class Government passengers shall include in each day an imperial pint of good sound bottled or draft ale or beer and that of the third-class an imperial pint of draft beer or one-half gill of spirits. The several classes of passengers shall mess in separate places and medical attendance medicine and medical comforts mess utensils and fittings cooking utensils articles for table use and mess places full lights requisite articles of bedding and all other necessities shall be provided for them in like manner as for ordinary passengers of the like classes respectively.

3. The passage money for Government passengers and their families and servants respectively shall unless otherwise agreed between the Admiralty and the Company be the same as that charged by the Company for ordinary passengers of the same class and shall include all the particulars mentioned in the last preceding clause and if and whenever any alteration of rates for ordinary passengers shall be made by the Company the Admiralty shall be immediately apprised of such alteration.

4. Returns of the embarkation and disembarkation of all Government passengers shall be furnished to the Director of Transports immediately after the departure and arrival of each vessel.

5. Payments for passage money for Government passengers shall be applied for by invoices according to a form to be obtained from the office of the Accountant-General of the Navy and shall be made by such Accountant-General or some other officer of the Admiralty only upon such applications and upon the production of the orders for the passage together with a certificate under the hand of the commanding officer specifying the number of the third-class passengers (men women and children) conveyed with the ages and sexes of the latter and stating the periods during which they have been respectively regularly supplied while travelling with provisions and also a certificate under the hand of each first and second-class passenger of his or her having been landed at or conveyed to the place of destination and of having been properly accommodated and messed during the voyage or journey and specifying the dates from and to which they were so messed computed from the first to the last dinner meal.

6. The Company shall convey for every Government passenger free of charge the quantity of baggage (whether such quantity shall be estimated or ascertained by bulk or weight) to which he is entitled as regards steam vessels under the Regulations of Her Majesty's Transport Service and as regards trains under the Regulations of the Company for the time being in force and any extra baggage of a Government passenger shall be paid for according to the Regulations of the Company for the time being applicable to extra baggage of an ordinary passenger of the same class.

7. The passage money for the wives and families and servants of commissioned and civil officers when not ordered to be conveyed at the public expense shall be paid to the Company by the officers themselves.

8. In all cases where an officer in the naval military or civil service of Her Majesty who may not be entitled to travel at the public expense shall require to travel by any train or vessel employed in the performance of this Agreement the Company shall be bound when they have room in such train or vessel to provide accommodation for such officer in preference to any private passenger and the amount payable by such officer for such journey or passage if such journey or passage is required in consequence of any order of any department of Her Majesty's Government shall upon presentation by such officer to the Company or their agents of the requisite documents be the rate chargeable for a similar journey or passage to any ordinary passenger less a special reduction to such officer of 25 per cent. thereof.

9. The Company agree to convey troops on service from Halifax or Quebec to Hong Kong and from Hong Kong to Halifax or Quebec at cost. The word "troops" is understood to include naval and military officers (whether commissioned non-commissioned or warrant officers) seamen marines soldiers or artificers in Her Majesty's Service and cost is assumed to be (a) for seamen marines soldiers and artificers (including accommodation in

Colonist sleeping carriage by rail) 16 *l.* 4 *s.* per man to or from Halifax and 14 *l.* 8 *s.* 8 *d.* per man to or from Quebec (b) for non-commissioned and warrant officers entitled to second-class accommodation by land and sea 20 *l.* 13 *s.* 11 *d.* per man to or from Halifax and 18 *l.* 18 *s.* 7 *d.* per man to or from Quebec and (c) for commissioned officers entitled to first-class accommodation by land and sea (including sleeping saloon on the railway) 31 *l.* 4 *s.* 8 *d.* to or from Halifax and 28 *l.* 15 *s.* 5 *d.* to or from Quebec. The above-named rates are to apply to detachments of 50 or upwards and to include all such accommodation by land and sea and meals and rations as are specified in relation to Government passengers in preceding clauses of this Schedule but not to provide for rations in the event of the detention of the vessels after arrival in port owing to quarantine or other causes beyond the control of the Company.

10.—(1.) The Company shall receive on board each of the trains and vessels employed in the performance of this Agreement and shall convey on behalf of the Admiralty any small packages which may be ordered for conveyance and shall convey and deliver such small packages at the lowest rate of freight charged by the Company for private goods of a similar character or description and the Company shall give immediate notice to the Admiralty of any alteration in such rate of freight and shall in all cases be responsible for the custody and safe and speedy delivery of such packages.

(2.) The Company shall convey Government stores not exceeding 50 tons in weight in any one consignment from Halifax or Quebec to Hong Kong and from Hong Kong to Halifax or Quebec at cost the cost by railway being estimated at one halfpenny per ton weight per mile and the cost by sea at nothing beyond the charge of 4 *s.* per ton for loading and discharging and shall convey between the points aforesaid Government stores exceeding 50 tons in weight at the lowest tariff rates charged to the public at the time of shipment.

(3.) Provided always that the Company shall not be called upon under this clause to convey stores by passenger train or to convey by any train stores which cannot be conveyed by their ordinary rolling stock except on payment of such special rate as may be agreed on between the Admiralty and the Company or in case of difference be determined by arbitration.

THE THIRD SCHEDULE HEREINBEFORE REFERRED TO.

STIPULATIONS AND CONDITIONS AS TO PURCHASE AND HIRE OF VESSELS BY ADMIRALTY.

1. The Company hereby agree to construct under the supervision of the Admiralty with gun platforms all vessels which they may from time to time construct for the performance of the services specified in this Agreement and to meet the other usual requirements of the Admiralty to fit such vessels for service as armed cruisers or troopships and further to erect gun platforms on such other vessels as the Company may employ under this Agreement and to meet the other usual requirements of the Admiralty to fit such other vessels for such service as aforesaid and further to sell to the Admiralty at any time when required by the Admiralty so to do all or any of the vessels so constructed under this Agreement on the terms and subject to the conditions hereinafter declared.

2. The vessels so to be constructed by the Company are to be capable of maintaining a trial speed of not less than 17½ knots an hour on the measured mile and of maintaining a speed of not less than 16 knots an hour upon a sea trial of not less than 12 hours' duration.

3. The Company further agree to let on hire to the Admiralty from time to time or at any time and for any period during the continuance of this Agreement all or any of the said vessels so constructed by the Company. The rate of hire shall be 20 *s.* per gross registered ton per month the Admiralty providing and paying the crew.

4. The

4. The Company shall afford to the Admiralty every facility for fitting on board all vessels subject to this Agreement as and when taken up on hire for cruiser or transport purposes such permanent fittings and arrangements for their armament as will enable any such vessel to be prepared for sea within a week after she shall on arrival in the Company's terminal ports (namely Vancouver and Hong Kong) have discharged her cargo provided that such fittings and arrangement shall be compatible with the use of the vessels for mercantile purposes. The Admiralty agree to provide the racers and other fittings and gun mountings for the guns proposed to be placed on board the said vessels and the Company agree to keep and maintain the same racers fittings and mountings in clean order and if required to keep them in their storehouse at Vancouver but any such racers fittings and mountings required to be kept at Hong Kong will be stored in the Admiralty Dockyard without charge to the Company ready to be immediately fitted on board the vessels and such fitting will be executed by the Admiralty at their own expense.

5. The Company shall not entertain any offers for sale or for charter in respect of any of the vessels subject to this Agreement unless the Company have previously given notice thereof to the Admiralty and allowed the Admiralty the option of purchasing or hiring such vessel or vessels within seven days from the receipt of such notice. Notice given by the Company as herein before provided shall be accompanied by such evidence of the *bond fide* nature of the offer for sale or charter as shall be satisfactory in the opinion of the Admiralty otherwise the said notice shall be considered void and of no effect.

6. The price to be paid for any vessel which may be purchased by the Admiralty under this Agreement shall be the value of such vessel on the day of purchase (which shall be the day on which the Admiralty shall give notice to the Company of their intention to purchase such vessel) plus a sum equal to 10 per centum on such value by way of bonus for compulsory sale plus a sum to be agreed between the Company and the Admiralty or in case of difference to be settled by arbitration in respect of the cost of delivery of such vessel on the North Pacific Station such cost to be diminished by such sum as may be agreed or settled as aforesaid having regard to the time which has elapsed between the date of such delivery and the day of purchase. The value of such vessel on the day of purchase shall be taken to be the cost price to the Company in the United Kingdom (such cost price to be proved to the satisfaction of the Admiralty) less a sum equal to six per centum per annum on such cost price and on the subsequent depreciated value for the time elapsed between the date of completion of the vessel and the day of purchase by the Admiralty. Provided always that if after the date of these presents and the completion of any vessel subject to this Agreement any money shall be proved to the satisfaction of the Admiralty to have been expended on capital account in providing such vessel with new boilers or machinery such money shall (subject to such deduction as aforesaid for depreciation from the date of the same money having been expended) be added to the value of such vessel. The value ascertained as aforesaid of any vessel purchased by the Admiralty shall include the full equipment of the vessel so purchased but not the plated ware cutlery crystal earthenware blankets counterpanes and table and bed linen of the vessel and consumable stores which the Company shall be entitled to remove therefrom with the exception of such proportionate quantity of such articles other than consumable stores as may be necessary for the numbers of officers and warrant officers that would form part of the vessel's complement if used as an armed cruiser and such proportionate quantity of such articles shall be considered part of the equipment so purchased by the Admiralty. In the event of the Admiralty hiring and subsequently electing to purchase any vessel under this Agreement three-eighths of the amount of hire accruing during any period not exceeding six months immediately preceding the purchase shall be allowed by way of rebate from the price.

7. If any vessel subject to this Agreement is sold by the Company to any British shipowner approved by the Admiralty such vessel shall notwithstanding such sale remain subject to this Agreement and shall be sold

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subject to the provisions thereof and the purchaser thereof shall be bound by all the said provisions as if the purchaser were a party to this Agreement. Provided always that on any such sale the Admiralty may upon receiving notice thereof give notice to the Company or to the purchaser that they release the vessel so sold from this Agreement and in that case this Agreement shall cease to take effect in regard thereto.

8. The Company agree to employ as far as possible members of the Royal Naval Reserve in the complement of the crew of the vessels subject to this Agreement and they further agree to facilitate by special agreement in the ship's articles or otherwise the securing as far as possible of the services to the Admiralty of such European members of the crew as are not members of the Royal Naval Reserve in the event of any vessel subject to this Agreement being hired as an armed cruiser or transport.

9. The Admiralty shall have the right of inspecting the vessels subject to this Agreement once in every year to see that such vessels are in thoroughly seaworthy condition and if the Admiralty are of opinion on any such inspection that such condition is not maintained in the case of any vessel the Admiralty shall give notice to the Company to that effect and the Company shall forthwith at their cost and charge put any vessel to which such notice relates into such condition as aforesaid.

10. The Admiralty shall have the right on giving notice to the Company of their intention so to do to take possession of any vessel which they require to purchase or hire under the provisions of this Agreement immediately on the arrival of such vessel at Vancouver or Hong Kong (as the case may be) from the voyage on which such vessel shall then be engaged at the time of the receipt by the Company of such notice.

11. Any vessel hired by the Admiralty under the provisions of this Agreement shall during the period of such hire be subject to the following conditions namely :—

1. All risk and expense of ship and stores shall be borne by the Admiralty from the date on which the Admiralty provide the officers and crew but the Company shall leave on board the equipment required by the Regulations for Her Majesty's Transport Service which equipment shall be returned by the Admiralty or paid for on the termination of the service fair wear and tear excepted.

2. The Admiralty shall have the right to alter or remove any or all of the fittings or arrangements on board any vessel hired by them and to erect new fittings on such vessel provided that such vessel shall be given up to the Company in as good condition and fitted up as she was when taken by the Admiralty fair wear and tear alone excepted.

12. The Company shall be allowed seven days at the stipulated rate of hire for any vessel hired under this Agreement for taking down cabin fittings not required by the Admiralty and 10 days at the same rate at the termination of the service for replacing these fittings the work of dismounting dismantling and reinstating to be performed by the Company at the expense of the Admiralty. If the Company shall neglect or refuse to perform the same then the work may be done by the Admiralty.

13. The hire for the vessels shall be paid monthly in advance that is to say immediately on the Admiralty taking over any vessel subject to this Agreement on hire the Company shall be entitled to receive a bill for one calendar month's hire according to the rates for tonnage hereinbefore specified provided the vessel so hired be then in the condition in which the Company have agreed to keep her and if such vessel is not in such condition then the Company shall be entitled to such bill as soon as such vessel is put into such condition which shall be done by the Admiralty at the expense of the Company and at the commencement of each month after such first payment during the continuance of such vessel in the service of the Admiralty the Company shall be entitled to receive a further bill for one month's hire all which aforesaid payments shall be made in England by bills payable at

BETWEEN HALIFAX (OR QUEBEC) AND HONG KONG. 23

at sight by Her Majesty's Paymaster General Provided always and it is hereby agreed and declared that if at any time or times hereafter it shall be made to appear to the Admiralty that any delay has been caused or accrued by breach of orders or neglect of duty on the part of the Company or the servants under its control or that the vessel so hired has become unfit for the purposes of the Admiralty from any defect deficiency breach of orders or from any cause whatsoever which the Company could by the performance of their proper duty under this Agreement have avoided then and in every such case it shall be lawful for the Admiralty to retain in arrear the said pay payable in respect of the then next succeeding month and to put the said vessel out of pay or to make such abatement by way of mulct out of the hire of the said vessel then next payable as they shall adjudge fit and reasonable or by themselves or by any officer authorised by them to dismiss from the said vessel the master or any of the ship's company found by them or by the authorised officer to be in default and at the cost and charge of the Company to appoint others in place of those so in default at the Company's usual rate of pay.

14. The Admiralty shall (but subject and without prejudice to the provisions of the last preceding Clause) be entitled to terminate the hire of any vessel subject to this Agreement by bringing such vessel into the port at which such vessel was taken up and by giving subsequent notice in writing to the Company and the period of hire shall be held to terminate 10 days after the date of the delivery of such notice.

15. Every question or difference that shall arise between the parties hereto as to the construction or operation of the stipulations and conditions contained in this Schedule or the rights duties or liabilities of any party in connection therewith or with any vessel made subject to the said stipulations and conditions shall be referred to and determined by arbitration.

Signed sealed and delivered by the above-
named Henry Cecil Raikes, Her Majesty's
Postmaster General in the presence of } HENRY CECIL RAIKES.

F. A. R. LANGTON,
Private Secretary to the Postmaster General.

Signed sealed and delivered by Admiral
Sir A. W. A. Hood, K.C.B., and Rear
Admiral Charles F. Hotham, C.B., two of
the Commissioners for executing the office
of Lord High Admiral of the United
Kingdom of Great Britain and Ireland in
the presence of } A. W. A. HOOD.
CHAS. F. HOTHAM.

EVAN M'GREGOR,
Secretary of the Admiralty.

The Common Seal of the Canadian Pacific
Railway Company was hereunto affixed
in the presence of } W. C. VAN-HORNE,
President.
C. DRINKWATER,
Secretary.

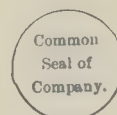
A. R. G. STEWARD,
Canadian Pacific Railway Company, Montreal.

Signed sealed and delivered by the above-
named Sir George Stephen, Bart., in the
presence of } GEO. STEPHEN.

HARRY MOODY

Signed sealed and delivered by the above-
named Sir Donald Alexander Smith,
K.C.M.G., in the presence of } DONALD A. SMITH.

A. PIERS.



CANADIAN PACIFIC RAILWAY COMPANY
(CONTRACT).

COPY of TREASURY MINUTE, dated the 18th July 1889,
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(*Mr. Jackson.*)

*Ordered, by The House of Commons, to be Printed,
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HER MAJESTY'S COLONIAL POSSESSIONS.

No. 46.

NEWFOUNDLAND.

REPORT ON THE BLUE BOOK
FOR 1887.

(In continuation of Colonial Report No. 14
[C.--5249--11.]).

Presented to both Houses of Parliament by Command of Her Majesty,
March 1889.



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1889.

[C.—5620.—4.]

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The following reports, among others, relating to Her Majesty's Colonial Possessions have been issued and may be obtained for a few pence from the sources indicated on the title page :—

No.	Colony.	Year.
6	Tobago - - - - -	1887
7	Gibraltar - - - - -	"
8	Gold Coast (Governor's visit to the Eastern Districts).	1888
9	Heligoland - - - - -	1887
10	Natal - - - - -	"
11	Strait Settlementss - - - - -	"
12	Gold Coast (Sanitary Reports 1886 and 1887).	—
13	Jamaica and Turk's Island - - - - -	1887
14	Newfoundland - - - - -	1886
15	Grenada - - - - -	1887
16	Trinidad - - - - -	"
17	Bermuda - - - - -	"
18	St. Helena - - - - -	"
19	Barbados - - - - -	"
20	Lagos (Sanitary Report for 1887) - - - - -	"
21	Bahamas - - - - -	"
22	Labuan - - - - -	"
23	Malta - - - - -	"
24	Straits (Penang and Malacca) - - - - -	"
25	St. Vincent - - - - -	"
26	Sierra Leone (Report on Medical Department) - - - - -	"
27	Leeward Islands - - - - -	"
28	British Guiana - - - - -	"
29	Western Australia - - - - -	"
30	Falkland Islands - - - - -	"
31	Basutoland - - - - -	"
32	St. Lucia - - - - -	"
33	Hong Kong - - - - -	"
34	Fiji - - - - -	"
35	British Honduras - - - - -	"
36	Mauritius, Seychelles, and Rodrigues - - - - -	"
37	Ceylon - - - - -	"
38	British New Guinea - - - - -	"
39	British Guiana - - - - -	1884 and 1885
40	Lagos (Western District) - - - - -	1887
41	Gambia - - - - -	"
42	Sierra Leone - - - - -	"
43	Victoria - - - - -	"
44	British Bechuanaland - - - - -	1888
45	British New Guinea - - - - -	"

No. 46.

NEWFOUND-
LAND.NEWFOUNDLAND.

Sir TERENCE O'BRIEN to LORD KNUTSFORD.

Government House, St. John's, Newfoundland,

MY LORD,

January 22, 1889.

I HAVE the honour to forward herewith in duplicate the annual Blue Book returns of this Colony, together with the report thereon by the Hon. the Colonial Secretary.

Having only arrived in the Island on the 18th instant, I am manifestly incapable of offering any remarks on these documents.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Colonel,
Governor.

The Right Hon.
Lord Knutsford, G.C.M.G.
&c. &c. &c.

Colonial Secretary's Office,
St. John's, Newfoundland,

MAY IT PLEASE YOUR EXCELLENCY, January 16, 1889.

I HAVE the honour to transmit the Blue Book of this Colony for the year 1887, to be forwarded for the information of Her Majesty's Government.

The returns do not, unfortunately, exhibit any increase in the staple productions of the Colony, nor, as a consequence, any amelioration of the adverse conditions to which the Colony has been subjected since 1884. Destitution was prevalent in the early part of the year to a large extent in the northern districts, and it will be noticed that \$184,000 were spent in relief works, besides \$212,285 on the Placentia Railway, the labour on which was largely given to relieve distress.

Trade.

The imports, which in 1884 had been \$8,075,792, had declined through 1885 and 1886 to \$5,397,408 in 1887, a decrease of \$622,628 on the importations of 1886. Manufactured goods from Britain showed the largest decline (\$320,000), though molasses and spirits were also considerably short. The staple imports of flour and pork were but little affected.

In value of exports there was an increase of \$313,779 over 1886 (5,176,730 against \$4,862,951), resulting almost exclusively.

NEWFOUND-
LAND.

from the enhanced value of codfish, 913,145 quintals in 1887 being priced at \$3,761,574 and 1,088,004 quintals in 1886 at \$3,431,987. The lobster fishery exhibits continued expansion, the export of 1887 2,097,080 lbs., value \$209,708, being the largest recorded. The tendency in this industry is to overfish to exhaustion, and the Government obtained legislation in 1888 forbidding capture of lobsters less than 10½ inches and fixing a close time between August 31st and February 1st. The export of cod oil was somewhat in excess of that of 1886, but the increase was more than counterbalanced by lower prices. The export of copper and copper ore was larger than in 1886 by 584 tons (7,611 tons in 1887, 7,027 tons in 1886), but lower prices made the value less by \$78,756; but the value of the mining industry to the Colony has been considerably increased by the processes of conversion of the ore into pure copper being carried out at the mines. 120 tons of ingots of copper were exported in 1887, valued at \$408 per ton.

Revenue and Expenditure.

The Customs revenue of 1887 was collected under an increased tariff, but was only \$173,000 in excess of that of 1886 (\$1,083,783, 1887; \$910,735, 1886), the gross revenue for the year, exclusive of loans, being \$1,185,300. The large expenditure for relief works in the early part of the year made it necessary to obtain money on the credit of the Colony, and loans to the extent of \$719,554 were authorised by the Legislature. A sum of \$87,300 was also appropriated to the general purposes of the Colony from the fishery award. The total expenditure for the year was \$1,738,201, the principal items being \$212,285 on account of the Placentia Railway, \$184,745 for relief works, \$182,266 for relief of permanent and casual poor, \$145,053 for steam communication, \$133,184 for roads, and \$123,617 for education. The public debt at the end of 1887 was \$3,005,040.

Savings Bank.

As a hopeful sign of a revival in the business of the Colony, it is satisfactory to note a considerable increase in the number of depositors and amount of deposits in the savings bank. The depositors in 1887 were 4,516, an increase of 581 over 3,935 for 1886, and amount of deposits \$1,860,968, an increase of \$111,355 over \$1,749,613 for 1886. In 1887 \$100,631 were taken from the sinking fund created from the reserve (profits) of the bank and applied to the liquidation of that amount of public debt, leaving \$34,500 still to the credit of sinking fund.

Banks.

The Union Bank, with a capital of \$456,000, has a reserve of \$280,000, and paid in dividend and bonus 15 per cent. for its last complete year. Notes in circulation, 31st May 1888, \$548,142.

The Commercial Bank, with a capital of \$306,000, has a reserve of \$125,000 and paid a dividend of 10 per cent. Notes in circulation \$393,376.

NEWFOUND-
LAND.
—

Bank Fishery.

The bank fishery was prosecuted to a much larger extent than in 1886 and was attended with a large measure of success, and the fish being well-cured, shipments found ready sale at remunerative rates. It is hoped that in the future the extension of this branch of the fishery will go far towards counterbalancing the evident decline in the shore fishery. There were 61 vessels, with a tonnage of 2,350 tons, built in the Colony in 1887, most of which were fitted out for the bank fishery.

It is estimated that about 300 vessels, with about 4,000 men, were engaged in this fishery in 1887.

Agriculture.

On this branch of industry I have nothing further to remark than that the application of the law for the encouragement of agriculture by granting a bonus for clearing land has resulted in a considerably increased acreage being prepared for cultivation.

I have, &c.

(Signed)

M. FENELON,
Colonial Secretary.

His Excellency
Sir F. B. T. Carter, K.C.M.G.,
Administrator of the Government.

L O N D O N: Printed by EYRE and SPOTTISWOODE,
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For Her Majesty's Stationery Office.

CROFTER COLONISATION.

R E P O R T

OF

HER MAJESTY'S COMMISSIONERS
APPOINTED TO CARRY OUT A SCHEME

OF

COLONISATION IN THE DOMINION
OF CANADA

OF

CROFTERS AND COTTARS FROM THE
WESTERN HIGHLANDS AND ISLANDS OF
SCOTLAND,

WITH APPENDIX AND MAP.

Presented to both Houses of Parliament by Command of Her Majesty.



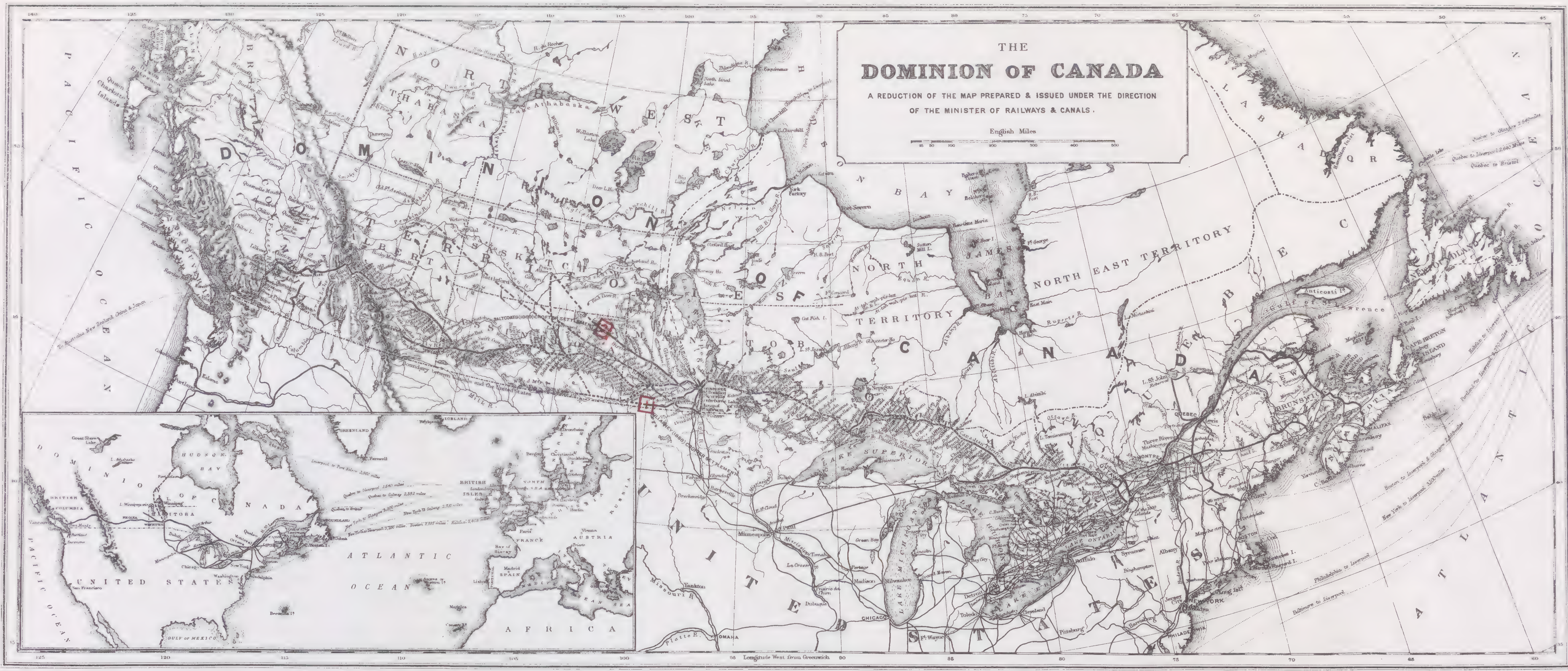
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1890.

[C.—6067.] *Price 10d.*



ROYAL WARRANT APPOINTING THE COLONISATION BOARD.

VICTORIA, R.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To Our right trusty and entirely beloved Cousin and Councillor Schomberg Henry, Marquis of Lothian, Knight of Our Most Ancient and Most Noble Order of the Thistle, Our Secretary for Scotland (or Our Secretary for Scotland for the time being);

Our trusty and well-beloved Sir Charles Tupper, Baronet, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Honourable Order of the Bath, High Commissioner in London for Our Dominion of Canada (or the High Commissioner in London for Our Dominion of Canada for the time being);

Our trusty and well-beloved Sir James King, Baronet, Lord Provost of Our City of Glasgow (or the Lord Provost of Our City of Glasgow for the time being); and

Our trusty and well-beloved Thomas Skinner, Esquire, one of the Directors of the North-West Land Company of Canada; Greeting!

Whereas a fund has been raised for the purpose of carrying out a scheme for the colonisation in Our Dominion of Canada of crofters and cottars from the Western Highlands and Islands of Scotland: And whereas it is expedient to establish a Board of Commissioners for the promotion of the said colonisation scheme, and the administration of the said fund;

Now know ye, that We, reposing great trust and confidence in your fidelity, discretion, and integrity, have constituted and appointed, and by these presents do constitute and appoint you the said Schomberg Henry, Marquis of Lothian (or Our Secretary for Scotland for the time being), you the said Sir Charles Tupper (or the High Commissioner in London for Our Dominion of Canada for the time being), you the said Sir James King (or the Lord Provost of Our city of Glasgow for the time being) and you the said Thomas Skinner, to be Our Commissioners for the purposes aforesaid.

And for the better enabling you to carry out the purposes of this Our Commission, We do hereby authorise and empower you by means of your agents or otherwise howsoever, in such manner as you shall deem most expedient from time to time,

- (1.) To proceed in the selection of families from the said districts, and their settlement in the Dominion of Canada:
- (2.) To provide from the funds at your disposal such advances to the settlers as may be necessary, and to undertake the collection of instalments of capital and interest in repayment of the same:
- (3.) To take and hold mortgages on the lands, and liens on the chattels of the said settlers and to proceed in the recovery of debts:

And generally to do all such things and take all such proceedings, as may be requisite and necessary to enable you to carry out the purposes of this Our Commission.

And We do further by these presents authorise and empower you Our said Commissioners to obtain such clerical or other assistance, and to appoint such agents or other officers as you may from time to time deem requisite and necessary, upon such terms as regards remuneration as may be sanctioned by the Lords Commissioners of Our Treasury.

And Our further will and pleasure is that you Our said Commissioners when and so often as need or occasion shall require, so long as this Our Commission shall continue in force, do report to Us in writing under your hands and seals all and every your several proceedings had by virtue of these presents.

And lastly We do by these presents ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any three of you, shall and may from time to time, at any place or places, proceed in the execution thereof and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

Given at Our Court at *Saint James's*, the twenty-fourth day of *December*, one thousand eight hundred and eighty-eight, in the fifty-second year of Our reign.

By Her Majesty's Command,
Lothian.

Note.—On Sir James King's retirement from the office of Lord Provost of Glasgow, and *ex officio* Commissioner, he was by Royal Warrant, dated 3rd March 1890, appointed an additional member of the Board.

R E P O R T

OF THE

COLONISATION BOARD.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

WE, the undersigned Commissioners, appointed under Your Majesty's Sign Manual, dated December 24th 1888, for the purpose of carrying out a scheme of Colonisation in the Dominion of Canada of Crofters and Cottars from the Western Highlands and Islands of Scotland, desire humbly to submit to Your Majesty the following Report:—

The first meeting of the Colonisation Board was held on February 7th, 1889. We appointed Mr. J. G. Colmer, C.M.G., our interim secretary, and authorised the engagement of Mr. J. Grant Mackay, who was recommended to us by the Hon. Edgar Dewdney, the minister of the Interior, of Canada, to act as agent of the Board for a period of three months. The appointment of the agent and the terms of his remuneration were subsequently approved by the Treasury.

Previous to the constitution of the Board thirty families had been selected and sent to Canada under the terms of the Crofter and Cottar Colonisation scheme in the early part of 1888, eighteen families from Lewis having sailed from Glasgow in the S.S. "Corean" on the 17th May, and twelve from Harris in the S.S. "Buenos Ayrean" on the 2nd June. The number of persons in the thirty families was 183.

After deducting the cost of transit, &c. from Stornoway to Glasgow, and from Glasgow to Winnipeg, the average balance per family available for expenditure and maintenance in Canada, out of the 120*l.* advance, was, in the case of the Lewis families, 68*l.* 10*s.*, and of the Harris families, 62*l.* 10*s.* Owing to the smallness of the balances remaining to the credit of many of the crofters, it was found desirable to advance a further 720*l.*, sufficient security being obtained, in order to provide them with the stock, implements, &c., absolutely necessary to enable them to commence their farming operations.

The settlers went out rather late in the year, and as they did not obtain the full benefit of the summer months, their crops were very small. It became necessary to help them with provisions during a portion of the first winter, and to provide them with seed grain during the spring of 1889, for which purposes a further advance of 400*l.* had to be made. Altogether, therefore, the thirty families have had 4,720*l.* loaned to them, or, on an average, about 157*l.* 6*s.* 8*d.* per family.

The land upon which these families are settled is situated at Killarney in Southern Manitoba. Besides the fertility of the soil and the other advantages of the district, the value of the land is much increased by the fact that the surrounding country is settled by a good class of farmers. The mortgages on the land and chattels, taken from the heads of families and from the younger members of the families who have entered for homesteads were in the first place made out in the name of the Canada North-West Land Company, who acted in the matter for the Secretary for Scotland, the Colonisation Board not being constituted at the time. These mortgages have now been transferred to our Board.

The season of 1889 was not a favourable one in any part of North America, and the crops at Killarney suffered in the same way as those of many other districts. Most of the families secured, however, a sufficient amount of grain for their winter requirements; and it is satisfactory to notice that nearly all of them have from 30 to 50 acres of land ready for crop during the season of 1890. Seed grain has been supplied to them by the Government of Manitoba, and if the season is favourable, their crops will place them in a comfortable position, and, with ordinary good fortune, their success will be assured.

Forty families were selected in the autumn of 1888 for emigration to Canada in 1889, and it was resolved that this number should be increased to 50. Forty-nine families, consisting of 282 persons, sailed from Lewis, Harris, and North Uist on April 1st, embarking on board the S.S. "Scandinavian," at Glasgow, on April 3rd.

The total cost of the conveyance of the party to Glasgow was 168*l.* 15*s.*, or nearly 3*l.* 9*s.* per family; and from Glasgow to Saltcoats, in Canada, 1,560*l.* 12*s.* 6*d.*, or nearly 31*l.* 17*s.* per family. The balance available for expenditure in Canada was 4,150*l.* 12*s.* 6*d.*, equal to 84*l.* 14*s.* per family. The highest amount at the disposal of any one family after deducting these expenses was 104*l.* 4*s.* 6*d.*, and the lowest, 71*l.* 11*s.*

Arrangements were made for the location of the families on land adjacent to Saltcoats, a station on the Manitoba and North-Western Railway, about 261 miles from Winnipeg. On the arrival of the families in Manitoba, they received a cordial welcome from the settlers in the district, and from the officials of the Manitoba and North-Western Railway Company and the Commercial Colonisation Company, our agent being also on the spot.

Various difficulties are reported to have been experienced in the settlement of the families on the lands selected for them, and much valuable time was lost in the early part of the season, not only in getting the houses erected, but in the preparation of the land for such crops as settlers are usually able to obtain in the year of their arrival.

As already mentioned, the season of 1889 was exceptionally disappointing, owing to a small summer rainfall, which added to the difficulties that are invariably encountered by inexperienced settlers; and in almost every case the families were found not to have sufficient clothing to carry them through the winter, and arrangements had to be made to meet this deficiency.

In addition to the 120*l.* per family originally advanced to the settlers at Saltcoats, amounting in all to 5,880*l.*, a further sum of 1,400*l.* had to be transmitted, making the total advances 7,280*l.* or about 148*l.* 12*s.* per family. Security is being taken for the money advanced to the various settlers in the shape of mortgages upon their holdings, as provided by the Dominion Lands Act, and also upon the stock and implements possessed by the various families.

At the termination of Mr. Grant Mackay's engagement, as agent, it was considered desirable to make another appointment, and Mr. G. B. Borradaile, who has had several years experience in the country, was selected for the post. Mr. Borradaile will reside at Saltcoats for the present, and his time will be divided between the settlements near that place and at Killarney.

It was thought desirable that the interim-secretary should visit Canada and personally inspect the settlements at Killarney and Saltcoats, for the purpose of making a detailed report upon the condition and prospects of the Crofters. We also requested him to make any suggestions to the Board which might occur to him in the light of the experience thus gained. Mr. Colmer accordingly proceeded to Canada last Autumn, and we annex a copy of his report, with appendices.

Reports were published in the course of the winter that distress and destitution prevailed in the settlements, but inquiry has shown that these statements were without foundation, and letters have since been published, both in Canada and in Scotland, from reliable sources, to that effect.

According to recent advices from Killarney and Saltcoats, the seed placed at the disposal of the settlers has been sown, and those members of the families who can be spared will therefore be able to get employment on the railways that are in course of construction, and in any other ways that may offer. The settlement at Saltcoats is said to be generally in a satisfactory

condition, and about 30 of the heads of the families have already gone away to work.

We trust, however, now, that they are fairly settled in their new homes, that the Crofters will, not only for the sake of their own families, but of their relatives and friends in the crofting districts of Scotland who may desire to follow in their footsteps, learn to have greater self-reliance and to husband all the resources they can, in order to insure the ultimate success of this scheme by the repayment of the advances made to them by the State. It is too early to say much as to the progress of the settlers at Saltcoats, but they have been supplied with seed grain by the Government of the Dominion, and there is every reason to believe that in their second year they will make as much progress as the settlers at Killarney.

We would desire to point out that, while circumstances, over which we had little or no control, have caused the cost of transport and settlement to exceed what was at first contemplated, and have retarded, to some extent, the progress of the settlers, there is no reasonable doubt that with the experience that has been gained, future efforts of a similar character might be made less expensive, and more immediately reproductive; and we are hopeful, therefore, that our experience may be of some use to the Select Committee now engaged in inquiring into the general question of colonisation, especially in the event of any further movement of the kind being recommended.

In conclusion, the Board have the pleasure of tendering their thanks to the Honourable Edgar Dewdney, the Minister of the Interior of Canada, and to Mr. H. H. Smith, the Dominion Lands Commissioner at Winnipeg, for their assistance, and also of acknowledging the services rendered by Mr. W. B. Scarth, of the Canada North-West Land Company, and Mr. A. F. Eden, of the Manitoba and North-Western Railway Company, and desire to add the expression of their sense of the zeal and ability with which Mr. Colmer has discharged the duties entrusted to him.

All which we humbly submit to Your Majesty's gracious consideration.

(Signed)	LOTHIAN.
„	CHARLES TUPPER.
„	JOHN MUIR.
„	JAMES KING.
„	THOMAS SKINNER.

R E P O R T
TO THE
COLONISATION BOARD
BY
MR. J. G. COLMER, C.M.G.,
INTERIM SECRETARY
RESPECTING THE
Position and Prospects of the Crofters who emigrated to
Canada in 1888 and 1889.

	MY LORD AND GENTLEMEN,	London, February 24th, 1890.
	I HAVE the honour to report that, during the late autumn, I visited the settlements at Killarney, Manitoba, and at Saltcoats, in the North-West Territories, organised under the terms of the Crofter and Cottar Colonisation Scheme, which is being administered by the Colonisation Board.	
Constitution of Colonisation Board.	It will be remembered that the Board did not come into existence until the 26th December 1888, and that its first meeting was held on the 7th February 1889.	
Killarney Settlement (1888).	The 30 families settled at Killarney were selected under the direction of the Secretary for Scotland early in 1888, and sailed in two parties from Glasgow on May 17th and June 2nd of that year.	
Saltcoats Settlement (1889).	Forty families were selected in the autumn of 1888, to proceed to Canada in 1889. A number of these families subsequently, for various reasons, withdrew their applications, and, after the second meeting of the Board, on March 15th, others were selected to fill their places, as well as a few additional families. In all, 49 families sailed from Glasgow on April 3rd, and are now settled at Saltcoats.	
Killarney Settlement.	Killarney is the name of a station on the south-western branch of the Canadian Pacific Railway, 164 miles from Winnipeg, and is the centre of one of the best farming districts in the province of Manitoba.	
Railway facilities.	The settlement is within easy reach of the railway in question, and other lines are in course of construction. These will provide additional facilities for marketing the produce of the farms, and also add to the value of the land.	
Land settled upon.	The land upon which the families are settled belonged to the Canada North-West Land Company, and, apart from the fertility of the soil and the other advantages of the district, its value is much increased by the fact that the neighbouring country is well settled by a good class of farmers.	
	It may be mentioned that the land was placed at the disposal of the crofters on the understanding that other lands would be given to the Land Company, by the Government, in exchange. I understand this has been done within the last few months.	
Reception of families in Manitoba.	When the families arrived in Manitoba, they were received by the representatives of the Canada North-West Land Company, who were good enough to lend their aid, not only in connexion with the selection of the land, but in making the many arrangements necessary for the erection of houses, the purchase of lumber, stock, implements, provisions, &c., for the purpose of enabling them to get to work upon their farms as early as possible.	

The families arrived in the country too late in the year to permit of their getting much crop from their land in the first season.	Late arrival of families.
Then, again, they did not, for some cause or another, succeed as well as was expected with the potatoes they planted. It was largely owing to these reasons that additional help had to be given to enable them to get over the first winter—a contingency not contemplated in the preparation of the scheme.	Winter maintenance.
I visited all the families, excepting two. The houses appeared to be warm and comfortable.	Houses
During the late season the crops suffered by the drought which prevailed all over the continent of North America; but, in the majority of cases, a sufficient quantity of grain was secured to provide the families with flour during the winter.	Partial failure of crops, 1889.
In almost every instance they have succeeded in obtaining a pig or two, as well as some chickens, which, with the produce of their cows, and flour, will probably enable them to get through the winter without assistance from the Board.	Second winter's maintenance.
One of the settlers, John Fraser (aged 52), died during the autumn of 1888. The mortgage the Board holds upon his homestead will be registered, and the patent will not issue to any member of his family, or to anyone else, until the amount of the advance made to the deceased has been repaid. The land taken up by Fraser is of exceptional value, owing to its contiguity to a new railway now under construction.	Deaths in settlement.
Another death occurred in the colony in the same year, viz., Colin Mackenzie (aged 60), the father of John Mackenzie. Colin Mackenzie accompanied his son, and took up a quarter section, or 160 acres of land, giving security upon it to the extent of \$250, representing a portion of the amount advanced to his son beyond the stipulated \$600. His land will be dealt with in the same way as in the case before mentioned.	
I heard of no complaints of an important nature from any of the settlers. The only source of anxiety appeared to be as to the provision of seed-grain in the coming spring.	Complaints.
It was exceedingly gratifying to me to notice the considerable area which the families had, in almost every instance, ploughed and back-set ready for crop this year. On an average they have from 30 to 50 acres so prepared.	Land ready for cultivation.
If they are able to procure seed-grain, and the coming season is at all favourable, their crops will place them in a very comfortable position, and, with ordinary good fortune, their success should be assured. I took the opportunity of explaining to the settlers the difficulties in the way of the Board providing them with seed-grain, that they had already received an advance much in excess of that promised, and that they were in the same position as ordinary settlers (who had experienced like difficulties in regard to their crops), and must make their own arrangements for seed-grain as their neighbours would have to do.	Seed-grain.
An opportunity, however, offered of my bringing the case to the notice of the Manitoba Government, and I wrote a note to the Premier on the subject. It is not yet certain whether any assistance will be forthcoming from this source, but as other settlers, it is said, will require aid, there is a possibility that something may be done.*	Measures taken for seed-grain.
Their live stock is increasing, and should prove a source of income if proper attention is paid to it.	Live stock increasing.
In a few cases, the younger people, who have been earning wages by employment they have secured elsewhere, have invested the money in the purchase of additional live stock, and in paying the heads of the families for preparing land on their homesteads.	Additional stock purchased.
The improvements that have been effected on the various farms, and an idea of the present position of the families, are recorded in the memorandum enclosed herewith. (Appendix A.)	Improvements on farms.
I was glad to find that many families were doing well, and others fairly. The percentage of cases where the progress had not been altogether satisfactory was very small.	Progress of settlement.

* I have since heard that the Manitoba Government has been good enough to arrange to supply the families with the seed-grain they require.

Money advanced.	In addition to the 120 <i>l.</i> originally advanced to each of the 30 families, 720 <i>l.</i> was lent to them on the security of additional homesteads. A further sum, about 400 <i>l.</i> , had to be expended, during the first winter, to help them with provisions, and with seed-grain in the following spring (for which security was also taken), making a total advance of 4,720 <i>l.</i> , or, on an average, 157 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i> per family.
Transfer of securities to the Board.	As the families were sent to Canada before the constitution of the Board, the mortgages on the land, and the chattel mortgages, had to be taken in the name of the Canada North-West Land Company. I arranged in Manitoba for the securities to be transferred to the Colonisation Board, and this is in course of being done. It will probably necessitate an expenditure of about 40 <i>l.</i> This transfer necessarily involves a considerable amount of legal work, as will be readily understood, but I thought it better that it should be done. The amount named is considered to be an exceedingly favourable one in the circumstances. The charge includes not only the legal expenses, but the cost of registering the various documents, which are about 70 in number.
Advance by Canada North-West Land Company.	In addition to the advances made by the Board, the Canada North-West Land Company expended several hundreds of dollars of its own money, in connexion with the families, for which it is, by arrangement with the Board, taking security.
Saltcoats Settlement (1889).	Saltcoats is situated on the Manitoba and North-Western Railway, about 205 miles from Portage la Prairie, or 261 miles from Winnipeg.
Suitability of district.	The district is not so populous as that in the neighbourhood of Killarney, as it has only been recently opened up, but the soil is said to be good, and there is an abundance of wood and water, which makes it especially valuable for settlement.
Arrival of party.	After a somewhat tedious journey, the 49 families arrived at Saltcoats about April 24th. They were received by the agent of the Board (appointed after its first meeting), who had the advantage of the co-operation and assistance of the officials of the railway company.
Delay in settling party on land.	From one cause and another, considerable difficulty was experienced in getting the families settled upon their land. Some would not take the homesteads allotted to them, and selected other locations. In some instances they wanted to go back again to the rejected lands, which had in the meantime, in more than one case, been taken up by another family.
Consequence of delay.	Consequently much valuable time was lost, not only in getting the houses erected, but in the preparation of the land for such a crop as it is possible for a settler to obtain in the first year.
Some unable to go out to work.	The backward state of their preparations for the winter, and for this year's work, made it difficult for them to take up the employment they could have obtained in the neighbourhood, as early as they might have done, in connexion with the extension of the Manitoba and North-Western Railway. This is to be regretted, as it would have placed them in possession of money, not only to help them through the winter, but to provide additional clothing for their families.
Improvements in farms.	I visited each of the families, and a copy of my notes will be found annexed. (Appendix B.)
Progress of settlement.	It is too early to say much as to the progress of these settlers, but there is every reason to believe that, in their second year in the country, they will make as much progress as those at Killarney.
Families badly supplied with clothing; measures taken.	It was very evident that the families were poorly supplied with clothing, and that it would be necessary to assist them in this respect during the winter. I therefore requested Mr. Borradaile, the agent of the Board, to obtain what was absolutely necessary in the meantime, to guard against any possible contingencies; and also took steps privately to secure a collection of clothing in Winnipeg. I am glad to say that through the kindness of Mr. Scarth, the Land Commissioner of the Canada North-West Land Company, and Mr. Eden, the Land Commissioner of the Manitoba and North-Western Railway Company, and a number of ladies and gentlemen in Winnipeg, a good supply was obtained, which obviated the necessity of spending, for this purpose, as would otherwise have been imperative, a considerable portion of the small funds remaining at the disposal of the Board.

Rather late in the season, and during my visit, a few of the heads of the families, and some of the young men at home, were induced to go to work upon the railway—a contract for some extra earthwork having been arranged especially for the purpose of giving them employment—but with a few exceptions, they did not earn as much money as they might have done.

Two families have left the settlement and gone, one to Killarney and the other to Wapella. Steps have been taken, however, to get proper security for the small amounts—principally passage money—advanced to them.

Alexander McDonald (aged 40) died shortly after his arrival in Canada. His wife is carrying on the farm, with the assistance of the neighbours, and will assume the responsibility of the mortgage given by her husband.

Another death took place in the settlement on January 17, 1890—Donald McKay (aged 37)—heart disease being the cause. His wife will carry on the farm and take over the mortgage.

Certain circumstances prevailed in 1889 of an exceptional nature which were calculated to add to the difficulties invariably experienced in the first year by inexperienced settlers.

The season was an unusually dry one, and for this reason, in conjunction with their lack of knowledge of agricultural work as carried on in Canada, the families did not secure any return from the oats and potatoes they sowed, and had to be assisted during the present winter.

Hay was very scarce, and the settlers had to go many miles to get a sufficient quantity of winter feed for their stock. In ordinary years they would have been able to procure sufficient at their own doors.

The difficulty of procuring water was also much increased, and their wells had to be sunk to a greater depth than usual. Most of them, however, have a good supply of water, and the depth of the wells will be an advantage, ensuring a good supply even in the driest of seasons.

Several complaints were made to me, but they were more or less of an unimportant nature, relating to the quality of the provisions, to the cattle supplied to them, to the prices charged, and other similar matters.

I inquired carefully into the whole of the complaints, and after the fullest consideration, gave the agent of the Board such instructions as I deemed necessary for their settlement, in a manner satisfactory to the crofters, where the circumstances seemed to justify it.

Seed-grain will have to be supplied to the settlers at Saltcoats in the coming spring,* and, although the area they will have ready for crop is small, I am hopeful, if the season turns out well, that they will have enough grain to carry them through the winter, and for seeding the largely increased area which it is to be hoped they will, like their Killarney neighbours, have prepared for the season of 1891.

In addition to the 120*l.* per family originally advanced to the settlers at Saltcoats, amounting in all to 5,880*l.*, a further sum of 1,400*l.* has been transmitted, making the total advances 7,280*l.*, or about 148*l.* 12*s.* per family.

I was not able to get the liens and chattel mortgages taken before leaving Manitoba. One or two legal questions were raised, but the legal adviser to the Board happened to be away, and I could not see him. Mr. H. H. Smith, the Dominion Lands Commissioner, however, promised to see Mr. Stewart Tupper on his return, and stated that, as soon as the questions were disposed of, he would send out one of the land agents to Saltcoats specially, in order that the securities might be taken at the earliest possible opportunity.

After the Board was constituted, at its first meeting, in February 1889, an agent was appointed, the approval of the Treasury being subsequently given, for a period of three months, to look after its interests, to prepare for the crofters, and to give them the benefit of his advice and counsel.

Mr. Grant Mackay was the gentleman nominated. At the end of his temporary engagement, however, it was considered advisable to replace him by a younger man, and, on the suggestion of Sir Charles Tupper, Mr. G. B. Borradaile was appointed, Treasury sanction having been obtained.

Outside work
done by
Crofters.

Families
gone away.

Deaths in
settlement.

Exceptional
season, 1889.

Drought.

Scarcity of
hay.

Scarcity of
water.

Complaints.

Action.

Seed-grain.

Money ad-
vanced.

Liens and
chattel
mortgages.

Appointment
of agent,
temporarily.

New ap-
pointment.

* The Dominion Government has arranged to supply the Saltcoats settlement with seed-grain.

New agent.	Mr. Borradaile has had considerable experience in different parts of the country, in the Dominion Lands Department, and in other ways, and was highly recommended to Sir Charles Tupper as being in every way suited and qualified for the position. Mr. Borradaile's salary is \$1,000 per annum, with a small allowance for the keep of a horse, the purchase of which was sanctioned by the Board, and approved by the Treasury.
Residence of agent.	The agent will reside in Saltcoats for the present, and his time will be divided between the settlements near that place and at Killarney.
Duties.	His duties will consist in looking after the interests of the Board; in giving the crofters as much supervision as may be necessary, and such counsel as his experience may suggest from time to time; and in collecting the instalments of the loans from the crofters as they become due.
Accounts of Board.	Mr. Borradaile will keep the accounts of the Board in Manitoba and the North-West, and will also transmit periodical reports as to the position and progress of the two settlements.
Expenses in Canada.	The annual expense connected with the representation of the Board will be comparatively small, consisting of the agent's salary, contribution towards office rent, stationery, postages, and horse feed.
No expenses in Great Britain.	No expenses have been incurred in Great Britain, excepting the salary and travelling expenses of the gentleman (Mr. Malcolm McNeil) who selected the families for emigration.
Balance of funds in hand.	There was a balance of over \$3,000 at the credit of the Board in the middle of November last. There was still \$900 remaining on the 4th instant. From \$200 to \$300 of this amount may be required to provide oxen for those families who are without these animals at the present time, owing to deaths, and to the oxen, in some cases, having been returned as unfit for work. This leaves a balance which may, perhaps, be sufficient to carry the families on to the end of March.
Extra funds needed.	As, however, they will not be able to gather any crop until July or August, and as the possibility of their being able to get credit is doubtful, it is desirable that the Board should have at its disposal a reserve fund to help the families with provisions if the necessity for doing so should arise. Unless this is done, difficulties may be experienced and complaints made, which it is desirable should be avoided if possible.
Securing work for Crofters.	Inquiries have already been made with the view of securing work for such members of the families as can be spared in the spring, and I received, on February 7th, the following telegram from Mr. E. T. Galt, the manager of the North-West Coal and Navigation Company, whose line is to be extended in the course of the present season:—"Will help you about crofters as soon as construction commences."* There is every indication of a good demand for labour in the country this year.
Interview with the Minister of the Interior of Canada.	Mr. Borradaile understands the necessity of utilising every opportunity that may offer, in the different parts of the country, to enable such members of the families as can be spared to get outside work and to earn wages. Before visiting Killarney and Saltcoats, I discussed the working of the scheme fully with the Hon. Edgar Dewdney, the Minister of the Interior of Canada. Mr. Dewdney was fully impressed with the importance of the experiment which is now under trial, and expressed his readiness to co-operate in every possible way with the Board in bringing it to a successful issue.
Interview with the Minister of Justice.	I also discussed, when in Ottawa, with the proper authorities, various questions that had arisen with regard to the liens and chattel mortgages, and disposed of them in a satisfactory way.
Interview with Mr. H. H. Smith.	While in Winnipeg I had several conversations with Mr. H. H. Smith, the Commissioner of Dominion Lands, with regard to the settlements. Mr. Smith rendered me every assistance in connexion with my inquiries, and was also of much service to me in dealing with the various difficulties that arose.
Families selected.	Owing to the industrial conditions prevailing in the districts from which they came, the heads of the families sent out, had, in most of the cases, been essentially fishermen, and had but an imperfect knowledge of agriculture, or of the care of stock.

* I also received the following telegram, February 21st:—"Taking 12 crofters now; more in a few days."

In these respects, however, they are improving, and will, no doubt, in time, become capable agriculturists. They have the advantage of the example of the practical farmers settled in their neighbourhood.

If any further extension of the scheme is contemplated, the basis upon which the families have been selected will require to be re-considered.

Selection of families in future.

As far as possible, the families selected should consist of the father and mother (not to exceed from 40 to 50 years of age), and four or five children, of whom, at least, two should be over 14, capable of aiding their parents by work on the homestead, and by securing outside employment. Their wages, in such cases, would be available for the joint use of the family, for provisions and clothes, in obtaining extra stock, and in many other ways.

Strength of families.

It must be obvious that an arrangement of this kind would largely help the success of any colonisation scheme.

The experience that has been gained in connexion with the experiments has been most valuable, and has shown clearly in what manner the scheme requires to be amended in order to increase its elements of success.

Experience obtained.

The selection of the families has already been referred to. In this connexion, it may be mentioned that no families should be accepted which have not a sufficient supply of clothing to carry them through the first winter. This is an important matter, in view of the climate, and considerable expense will be saved if the precaution mentioned is taken.

Families selected to have sufficient clothing.

It may be possible in the future to make arrangements for the direct conveyance of the families from the parts of the United Kingdom from which they might be taken to Canada. This would not only be convenient, but effect a saving in expenses.

Direct conveyance to Canada in future.

The families should start not later than the middle of March.

Date of departure.

I discussed the question of the selection of the land for any future emigrants with some of the best authorities in the country. There seemed to be a consensus of opinion as the result of experience in favour of the reservation of suitable land the year before the departure of the assisted families and of the preparation of a few acres on each homestead to enable them immediately on their arrival, to put in their crops, and thus ensure some return in the first year of their settlement.

Preparation of land for settlers.

If they are left to prepare the land themselves, and to sow on the rough breaking, a crop is by no means certain, and the contingency of assistance during the winter is always possible to arise.

On the other hand, however, it is considered to have been demonstrated, that if a few acres are prepared in the previous year, there is a much better prospect of a crop being secured, owing to the soil being in better condition, and it would leave the heads of families and some of the younger people free to look for work outside their homesteads, and to earn wages in the summer and autumn.

The families might also be employed in preparing land for any families expected in the following season, for which they would be paid.

It would be desirable also to make different arrangements in the future for the purchase of the lumber for the houses, the live stock, implements, &c. than those hitherto adopted.

Purchase of stock, implements, &c.

It will be readily understood that the question of housing the people is a very important one, not only because of the necessity of warmth during the winter, but also on the score of expense.

The houses for the Saltcoats and Killarney families have been erected in an inexpensive way.

Houses.

In the case of the Saltcoats settlers, inexpensive frame houses, at a cost of from \$48 to \$75, of one or two stories, according to the size of the families, have been put up with the assistance of a carpenter. They were sufficiently warm as a shelter for the summer months, and the crofters were left to make them comfortable for the winter in whatever way they chose.

As already stated, the houses in both settlements were, at the time of my visit, all more or less in a state of forward preparation for the winter, and were calculated to withstand any weather that might be experienced.

My attention was directed to a class of house which the German-speaking settlers from Russia erect. An area of ground of the size of the house is dug out to a depth of from five to six feet, a portion of it still deeper to serve as a cellar. A double slanting roof is erected over this, the centre of which is from 10 to 12 feet in height from the floor. The roof is formed of poles, over which clay and sods are placed. A window is fixed in the gable at one end and a door at the other. The walls and floors are coated with clay which speedily hardens, and makes a firm and dry covering. The Russians also construct a stove for heating and cooking purposes, in clay, which answers admirably all their requirements, and is most economical in fuel.

A house of this kind is perfectly warm, contains two comfortable airy rooms, and is quite sufficient for the first few years, until the families are able to erect frame houses or log houses, as the Russians invariably do eventually.

The cost of the house is not more than a third, or one-half, of even the inexpensive structures that have been put up for the crofters.

The crofters would not, however, take to these houses, although a sample one was constructed for their inspection, the principal objection being that they are partly underground.

120*l.* in-sufficient. It was soon seen, in the working of the experiment, that the amount of 120*l.* would not be sufficient to supply each family with the outfit, considered more or less indispensable, to enable them to start on their own account.

Partnerships undesirable. A system of partnership was therefore arranged, in which a yoke of oxen and a wagon were to be used jointly by two families. This, however, in experience, has not been found to work well, and in the end the partnership in almost every instance, had to be dissolved, and each family given a full outfit.

Delay in settlement of families. In any future cases, steps will have to be taken to avoid delay in the settlement of the families upon homesteads.

At Saltcoats, for instance, in some cases, as already explained, two or three months were lost by the indecision of the crofters in choosing the land upon which they would settle. This led to the loss of much valuable time at a critical period of the year.

Families must, in future, sign agreement. Families should in future be made to sign an agreement before they start, explaining exactly what they are to receive, and what is expected of them, and one of the stipulations should certainly be that they must settle on the land chosen for them, care being taken, of course, that it is in every way suited for agriculture.

Shelter for parties on arrival. It is also shown to be desirable that more extensive arrangements should be made in future for shelter for the families, as soon as they arrive at their destinations, and until they are properly settled upon the land. The erection of a large rough shed prior to the arrival of the people would meet the case, and the timber used in its construction would subsequently be available for other purposes.

Supply of food to families. The question of the supply of food to the families, and of the length of time it should be continued, is one of some difficulty. Both at Saltcoats and at Killarney, the families have had to be maintained, not only during the summer months, but also during the first winter, a contingency which was never contemplated in the scheme.

In the future, should any further colonisation be decided upon, the better plan would probably be to open a credit in favour of each of the families at one of the stores on their arrival, of from 70 to 90 dollars, with the understanding that they could spend the money as they wished, but that no more than 10 dollars per family should be drawn in any one month. They would have to supplement this amount by their own earnings and the produce of their crops, as previously suggested.

I deem this specially important, as, under any other arrangement, the people seem apt to get the impression that they will be fed as long as they demand support, and the feelings of self-reliance and independence, which are so necessary in all these cases, are not encouraged.

If the families understand that they are in direct communication with the storekeeper, and have not to rely upon the Board to a greater extent than that named, it must be evident that they are more likely to look after themselves.

The more they are helped the less independent they are apt to become, and until they realise that they must rely upon their own efforts are not likely to make as much progress as in other circumstances.

The result of my investigation is to confirm the opinion already expressed by Sir Charles Tupper, after inquiry into the matter on the spot, that the amount of \$600 hitherto advanced to these settlers is insufficient for the purpose of giving them a fair start.

Both at Killarney and Saltcoats, this amount has had to be increased, and the same thing may be said of almost every family of crofters that has in years past been assisted to emigrate under the provisions of the Dominion Lands Act.

Opinions differ as to the amount that is absolutely necessary, but, so far as I could ascertain, the general opinion seemed to be that while in many cases, where the best classes of settlers are concerned, \$600 might be sufficient, the limit for inexperienced families similar to the crofters, should be increased from \$600 to \$900.

This would enable each family to have a complete outfit, and would permit of two or three cows being given to them instead of one, as well as a pig or two, a couple of sheep, and some poultry.

It would also provide for the breaking of the land in advance of their arrival, and enable a gun to be given to each family, which would be of much use in providing additional food, small game being plentiful in the season.

The provision of the larger amount would make the families practically self-supporting from the start.

In many cases it might not be necessary to spend the whole \$900, but it should certainly be available.

The additional cows would not only provide the families with milk, butter, and cheese, but they should have a considerable quantity for sale, either in the neighbouring towns or villages, or to the cheese factories or creameries which would at once be established if a proper supply of milk could be assured in any district. In that way the families would all the time be adding to their resources.

The chickens and pigs would also be useful to them for food and for sale, and in conjunction with the proceeds of the farms and dairies the settlers should, as already stated, be self-supporting almost entirely from the start.

Most of the crofter families are able to spin, and have wheels, and could make good use of the wool the sheep would provide.

It will be much more satisfactory to have a limit in the future that is not likely to be exceeded than the present one of \$600, which has been exceeded in almost every instance, and leads the persons assisted to believe that help will be extended to them to an indefinite extent.

The security for \$900 would even be better than for \$600.

A mortgage would be taken on the homestead (160 acres of land) of the head of the family for \$600, and a chattel mortgage upon the moveables for the whole of the money actually expended upon the farm.

An additional mortgage for any expenditure above \$600 would be taken on the homestead that might be entered for by any younger member of the family, eligible under the Dominion Lands Act. This should form the subject of agreement when the selection of the family was made.

The settlers at Killarney already have school facilities for their children. School districts will probably be arranged and school houses erected for those at Saltcoats in the course of the present year.

In any future arrangement it would be better for everybody concerned that the repayments should be made on a graduated basis rather than in equal payments over a certain number of years.

It will be seen from my remarks that many difficulties have been experienced.

But notwithstanding the disadvantages mentioned, I believe that the families will, so far as I can judge, succeed in their undertakings. They are becoming accustomed to the country, and are doing well on their farms. The progress of Canada is more or less a record of successful colonisation. The farmers have started with but little capital, and have become successful and prosperous, and I can see no reason whatever why the same measure of success should not attend the families assisted by the Board.

120% not sufficient to start families.

Suggested amount be increased to \$900.

What the larger sum would provide.

Security.

School for children.

Repayments.

Confidence in future of settlements expressed.

Other settle-
ments.

They have started with greater advantages than the settlers previously sent out from Scotland have had. Upon the whole the latter appear to be doing fairly well, although some of them are behind with their repayments. It must be borne in mind, however, that the settlers of 1883-4, assisted by Lady Gordon Cathcart and others, had to pay much higher prices for everything than those which have prevailed during the last two years, and were not, therefore, in a position to make such a fair start as the settlers sent out by the Board.

Then, again, they have not had the most favourable seasons during the last few years. Still, they are all making fair progress, they are self-sustaining, they have a considerable area of land under crop, and one or two of them have already repaid their advances in full, while others have commenced to repay.

In any case, the land upon which they settled, their stock and implements, are of far greater value than their advances, showing that the security is ample in every way.

Success of
continental
settlers.

I am strengthened in my belief that colonisation, especially with the experience that has now been gained, can be carried out successfully to the advantage of the settler, and with the certainty of the return of principal and interest, by the manner in which the settlers from the Continent in different parts of Manitoba and the North-West are succeeding.

These settlers from Germany, Scandinavia, Hungary, Roumania, Iceland, &c., generally possess a little money of their own, but, in many cases, they have received small advances from the Canadian Pacific Railway Company, or from other sources.

They have made such progress that they may fairly be classed among the most successful settlers of the country.

They all have good houses, a fair area of land under cultivation, their stock is increasing year by year, and they are contented and prosperous.

In one settlement they are already beginning to refund the money advanced to them, although the instalments are not actually due.

It is true that they work harder, and seem to require less food than many other classes of settlers, but even making allowances in this respect, I feel justified in expressing the hope that the settlers sent out under the auspices of the Board will, with the diligence and industry they are now showing, with good seasons, and with the additional advances they have had, be in a position to carry out the agreements into which they have entered.

It must be borne in mind, in connexion with this matter, that the colonisation, in the terms of the scheme that is being administered by the Colonisation Board, is in the nature of an experiment. The experience that has been gained is, however, of a most valuable kind, and I am quite sure that it will enable any future effort in the direction of colonisation to be handled with probably less expense, and in a manner to render it more immediately reproductive, than has hitherto been found possible.

Conclusion.

In concluding this report I beg to state that I am under considerable obligations to the Hon. Edgar Dewdney, the Minister of the Interior of Canada, and to Mr. H. H. Smith, the Dominion Lands Commissioner in Winnipeg, for the assistance and co-operation they extended to me in connexion with my visit.

The same remarks apply to Mr. W. B. Searth, the Land Commissioner of the Canada North-West Land Company, and to Mr. A. F. Eden, the Land Commissioner of the Manitoba and North-Western Railway Company. Both these gentlemen devoted much time and trouble to assist me in my inquiries at Killarney and at Saltcoats respectively.

I may say also that Mr. Caldwell Ashworth, the manager of the Bank of Montreal in London, has rendered me valuable aid in facilitating the remittance of funds to Winnipeg on several occasions.

I have, &c.

To the Most Hon. the Marquis of Lothian, K.T. J. G. COLMER.
The Hon. Sir Charles Tupper, Bart., G.C.M.G., C.B.
The Lord Provost of Glasgow.
Sir James King, Bart.
Thomas Skinner, Esq.

CROFTER AND COTTAR COLONISATION SCHEME.

APPENDIX.

Notes on Settlement of Crofters at Killarney, Manitoba (Oct. and Nov. 1889).

No. 1.—WILLIAM McLEOD.

House.—14 by 16. Double boarded, and packed between with soil, &c. Has built small log addition.

Stable.—Log and turf stable.

Ploughing, &c.—40 acres ready for crop.

No well.

Improvements, as above, valued at \$245.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs, chickens.

Crop, 1889.—50 bushels wheat from 8 acres, 14 bags potatoes.

Remarks.—Malcolm McIver away north of Manitou, engaged for six months at \$20.00 per month and board. McLeod from home when we called. Information given by Mr. R. Smith. Nothing done on McIver's (brother) land yet.

No. 2.—DONALD McDONALD.

House.—14 by 16. Double boarded, and packed between with soil, &c. Has built small log addition, 8 by 14.

Stable.—Log and turf stable.

Ploughing, &c.—8 or 10 acres fenced in for pasturage. 40 acres ready for crop.

Well.—20 feet, very little water.

Improvements, as above, valued at \$260.

Stock.—Yoke of oxen, one cow, one yearling, one calf, four pigs, 20 chickens.

Remarks.—Yoke of oxen killed by lightning on 1st July. Had them insured for \$65. Bought another yoke for \$125, balance payable next year. Samuel Graham (brother-in-law) sent him \$20 when he lost oxen; he is working in a saw mill in Winnipeg. There are 6 acres broken on Samuel Graham's homestead. Mary McDonald (sister) in Manitou earning \$10 per month.

No. 4.—JOHN MCKAY.

House.—14 by 16. Double boarded, and packed between with soil, &c. Double-boarded roof with tar paper. Has built log addition about 10 by 16.

Stable.—Built of poles with turf walls and roof.

Ploughing, &c.—40 acres ready for crop.

Well.—15 feet deep, no water.

Improvements, as above, valued at \$240.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs, 10 chickens.

Crop, 1889.—15 tons hay, 23 bushels wheat from 10 acres. Sowed seven bushels potatoes and only reaped five bushels.

Remarks.—Seed-grain. Says he does not know where it is coming from. He is entirely without help (has a wife, and one child three years old) and cannot go out to work.

No. 5.—NORMAN GRAHAM.

House.—14 by 16. Double boarded and packed with dirt, &c. Has built small log addition, 8 by 14.

Stable.—Log and turf stable.

Ploughing.—36 acres ready for crop.

Has two wells but no water.

Improvements, as above, valued at \$230.

* Note.—"Value of Improvements" covers the house, stable, well, and ploughing. It does not include the value of the land, stock, and crop.

Stock.—One yoke of oxen, one cow, one yearling, one calf, 20 chickens.

Crop, 1889.—55 bushels wheat from 11 acres, 30 bushels potatoes, nine loads hay.

Remarks.—Wm. McLeod (cousin) who is at Rat Portage in Lumber Camp, paid him \$15 for six acres breaking. 7 acres ploughed on this homestead. Isabella Morrison (cousin) away at Winnipeg in service.

No. 6.—JOHN NICHOLSON.

House.—14 by 16 feet. Double boarded and packed between with clay soil, &c. Double boarded roof with tar paper.

Stable.—Made with logs with turf walls around.

Ploughing, &c.—Has 60 acres ready for crop next year.

Dug two wells but has no water.

Improvements, as above, valued at \$265.

Stock.—One yoke of oxen, one cow, one yearling heifer, one calf, two pigs.

Crop, 1889.—25 bushels wheat from 5 acres. Did not cut the whole of crop of 11 acres. Had 41 bushels potatoes from 1½ acres. Has 18 tons of hay.

Remarks.—John McLean (brother) (alias Kenneth Nicholson) been away working for two months at \$25 per month and board. 10 acres ploughed on his homestead and house erected value \$50. Murdo McLeod (partner) away permanently working at his trade, shoemaker. Nothing done on his land.

No. 7.—JOHN CAMPBELL.

House.—14 by 16. Double boarded, packed between with clay, &c. Double boarded roof and tar paper between. Wall paper inside. Has built log addition, which is in good repair.

Stable.—Log and turf stable with straw roof.

Ploughing, &c.—43 acres ready for crop.

Has well in company with M. Graham.

Improvements valued at \$230.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs.

Crop, 1889.—70 bushels wheat from nine acres, 10 bushels of oats, 14 or 15 bushels of potatoes, 10 loads of hay.

Remarks.—Angus Graham (partner) at Portage-la-Prairie threshing, earning \$25 per month. 5 acres broken on Graham's homestead and logs for house ready. Value, \$12.50.

No. 8.—JOHN MCKENZIE.

House.—14 by 16. Double boarded and packed between with soil, &c. Has lumber addition, 8 by 14.

Stable.—Log and turf stable, very good.

Ploughing, &c.—35 acres ready for crop.

No well. Gets water from a pond.

Improvements, as above, valued at \$200.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs.

Crop, 1889.—30 bushels of wheat from 9½ acres. No oats. 14 bushels of potatoes from eight sown. Seven loads of hay.

Remarks.—Andrew Graham (partner) working at Morden all the time. Lost three months work on account of sickness. Five acres broken (valued \$12.50) and logs on ground for house.

No. 9.—JOHN McLEOD.

House.—14 by 16 feet. Double boarded and packed between with soil &c. Double boarded roof with tar paper. Has log addition about 10 by 14 feet.

Stable.—Dug out. Part logs and turf.

Ploughing, &c.—About 40 acres.

Has well, but no water.

Improvements, as above, valued at \$235.

Stock.—One yoke of oxen, one cow, one yearling steer, one calf, 2 pigs, and a few fowls.

Crop, 1889.—25 tons hay. Has about 40 bushels of wheat from about 11 acres. No oats.

Remarks.—Three sons away working all summer at \$25 per month and board. John McLeod, senr., away earning \$3 a day at his trade, stonemason. Information given by John McLeod, who is working for the McLeods at \$25 a month and board.

John McLeod, junr., has 15 acres ready to crop, and house, value \$42. Wm. McLeod has 19 acres broken, value \$55, and has two oxen. Lewis McLeod has 15 acres broken and a house, value \$62.50.

No. 10.—KENNETH MCAULAY.

House.—14 by 16, Double boarded and packed between with soil, &c. Has built small log addition.

Stable.—Good log and turf stable.

Ploughing, &c.—45 acres ready for crop.

Has one well, but very little water in it.

Improvements, as above, valued at \$230.

Stock.—Yoke of oxen, one cow, one yearling and one calf, two pigs.

Crop, 1889.—120 bushels of wheat from seven acres. No oats. 60 bushels potatoes. 30 loads hay.

Remarks.—Isabella (daughter) out at service at \$7 a month. John (son) at work \$20 a month. Neil Munroe at work, Rat Portage, \$1.50 a day, permanent work. Kenneth McAulay says "I am quite satisfied, and will have sufficient seed, other Canadian settlers not so advanced after being here six years as we are in less than two years. If half the Island of Lews would come here they would do all right." Six acres broken on John McAulay's homestead, value \$25. Seven acres broken on Neil Munroe's homestead, value \$17.50.

No. 11.—ANGUS McDONALD.

House.—14 by 16. Double boarded; packed between boards with soil, &c. Sodded on the outside. Has a log addition of about 12 by 14, well built.

Stable.—Good log and turf, with turf roof.

Ploughing, &c.—37 acres ready for crop.

Improvements, as above, valued at \$275.

Stock.—One yoke oxen, one cow, one yearling, one calf, two pigs, 20 chickens.

Crop, 1889.—100 bushels of wheat from 8 acres. No oats or barley. 22 bags of potatoes from five bushels sown. 10 or 11 loads of hay.

Remarks.—John McKenzie (cousin) earning wages at Rat Portage, but does not know how much. Six acres broken on his homestead. Isabella McIver (cousin) earning \$10 per month. Has paid McDonald 3l. off passage, &c. Sends money to Scotland also. Well satisfied with country.

No. 13.—ANGUS MCLEOD.

House.—14 by 16. Double boarded and packed between with soil, &c. Double boarded roof, with tar paper. Has built log addition about 12 by 14.

Stable.—Log and turf stable with John Nicholson (No. 6).

Ploughing, &c.—40 acres ready for crop.

Improvements, as above, valued at \$265.

Stock.—One yoke of oxen, one cow, one yearling heifer, one calf, two pigs, and a few fowls.

Crop, 1889.—14 bushels of wheat from five acres.

Remarks.—Away from home for the day. Donald (brother) has 10 acres broken and house erected, value \$55.

No. 14.—JOHN MORRISON.

House.—14 by 16. Double boarded and packed between boards with soil, &c. Double boarded roof with tar paper.

Stable.—Log and turf stable.

Ploughing, &c.—Has 35 acres ready for crop.

Has well, but no water.

Improvements, as above, valued at \$295.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs.

Crop, 1889.—80 bushels of wheat from $6\frac{1}{2}$ acres, 25 bushels potatoes from 8 bushel sown. No hay. Could not get mower until all was cut.

Remarks.—Murdo M. (cousin) says: "I travelled over 500 miles trying to get work, but could find none. I went into debt for my board last winter." Seven acres broken on his land, value \$17.50. George Morrison away working. He is expected at Pelican Lake every day with stock and outfit to settle down on land. Five acres broken, value \$12.50.

No. 15.—JOHN GRAHAM.

House.—14 by 16. Double boarded, packed between with soil, &c. Double boarded roof and tar paper between. Has built log addition about 10 by 14.

Stable.—Log and turf stable.

Ploughing, &c.—40 acres ready for crop.

Improvements, as above, valued at \$200.

Crop, 1889.—19 bushels of wheat from 7 acres, 15 bushels of potatoes from eight sown, 12 loads of hay.

Stock.—One yoke of oxen, one cow, one yearling heifer, one calf, two pigs, five chickens.

Remarks.—John Grahame (cousin) has been away for three months at \$20 per month and board, but is now at home. 5 acres broken on his land, value \$12.50.

No. 16.—ALLAN MCLEOD.

House.—14 by 16. Double boarded, packed between boards with soil, &c. Double boarded roof with tar paper.

Stable.—Log and turf. Turf roof.

Ploughing, &c.—40 acres ready for crop.

Has a well, but not deep enough for water.

Improvements, as above, valued at \$260.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs, and a few fowls.

Crop, 1889.—48 bushels of wheat off 9 acres, no oats or barley. 19 bags potatoes from 5 acres sown, eight loads hay.

Remarks.—Donald Murray, care of above A. McLeod, came out on his (McLeod's) recommendation, but cannot find land. Wants to get the quarter section that Donald Murray (No. 18) had. Latter has now gone to Saltcoats and will not want it. Murdo Stewart (brother-in-law) married and living on his own homestead. $5\frac{1}{2}$ acres ploughed and house erected, value \$55.

No. 17.—JOHN MCKENZIE.

House.—14 by 20. Good. Double boarded and packed between with soil, &c. Double boarded roof with tar paper between. Small log addition.

Stable.—Good log and turf stable.

Ploughing, &c.—44 acres ready for crop.

Good well and plenty of water.

Improvements, as above, valued at \$180.

Stock.—One yoke of oxen, one cow, one yearling, and one calf and two pigs. Son has cow and calf, bought with money left by grandfather.

Crop, 1889.—63 bushels wheat from 7 acres. 15 acres were under crop, rest not fit to cut. 11 loads hay, 22 bushels potatoes.

Remarks.—Kenneth McLeod (cousin) away in Dakota earning \$2.50 a day for a few days, has five acres broken and a house erected, value \$37.50. C. McKay (cousin) away in Morden working for a month. This person never gives McKenzie anything.

No. 18.—WILLIAM McDONALD.

House.—14 by 16. Double boarded, packed between with clay, &c. Log addition to house, 14 by 12.

Stable.—Good log and turf. Turf roof.

Ploughing, &c.—45 acres ready for crop.

Well, but very little water.

Improvements, as above, valued at \$320.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs.

Crop, 1889.—30 bushels wheat from 9 acres, five bags potatoes.

Remarks.—Donald Murray (partner) away at Saltcoats, where he has married and settled down. Nothing done on his homestead. Brother, Alexander, working north of Winnipeg. Does not know what wages he is getting. 6 acres broken on his homestead.

No. 19.—MURDO GRAHAM.

House.—14 by 16. Double boarded, packed between with clay, &c. Double boarded roof with tar paper between. Papered inside. Has built a good log addition 12 by 16.

Stable.—Good log and turf stable.

Ploughing, &c.—35 acres ready for crop.

Has good well with Campbell (No. 7).

Improvements, as above, valued at \$225.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs, 15 chickens.

Crop, 1889.—55 bushels wheat from 9 acres. Ten bushels oats, 16 bushels potatoes. Seven or eight loads of hay.

Remarks.—Does not know where he will get seed-grain, as he requires most of his wheat for flour. Makes a request for it.

No. 21.—NORMAN MCKENZIE.

House.—14 by 16. Double boarded and packed with soil, &c. Log addition.

Stable.—Very good log and turf stable.

Ploughing, &c.—40 acres ready for crop.

Has two wells, but no water; digging another.

Improvements, as above, valued at \$240.

Stock.—One yoke of oxen, one cow, one yearling steer, one calf, two pigs, 20 chickens.

Crop, 1889.—Had 29½ bushels wheat from 9 acres, 18 bushels potatoes, 26 loads of hay.

Remarks.—Wm. McKenzie (brother) has been away four months at \$21 per month and board. 6 acres ploughed on his homestead, value \$12.50. Jas. McIver (brother) gone to Saltcoats. 5 acres broken on his homestead, value \$12.50. Malcolm and William (brothers) have bought a yoke of oxen for themselves with money earned. Paid \$60 down; balance payable in a year.

No. 22.—JOHN MACDONALD, junr.

House.—12 by 24.—Double boarded, packed between with clay, &c. Divided into two rooms.

Stable.—Dug out of a bank. Log and turf; turf roof.

Ploughing, &c.—40 acres ready for crop.

Good well and plenty of water.

Improvements, as above, valued at \$285.

Stock.—One yoke of oxen, two cows, one yearling, one calf, two pigs.

Crop, 1889.—10 bushels of wheat, no oats. Five or six bushels potatoes from 13 or 14 sown. 25 loads hay.

Remarks.—Norman (son) has been at home all summer. 10 acres ploughed, value \$25. Duncan (son) has 4 acres ploughed on his homestead, value \$10. Archie (son) has been away working on section of C.P.R. for three months at \$1.25 per day. Archie also had three weeks' work with threshers, \$1.50 per day.

No. 23.—JOHN MACDONALD, senr.

House.—14 by 20. Double boarded, packed between boards with soil, &c. Has a log addition.

Stable.—Good, "dug out of bank," with logs and turf for walls and turf roof.

Granary.—Log incomplete.

Ploughing, &c.—35 acres ready for crop.

Has plenty of water in his well.

Improvements, as above, valued at \$245.

Stock.—One yoke of oxen, one cow, one yearling and one calf, four pigs, and 12 chickens.

Crop, 1889.—20 bushels of potatoes from nine sown. 29 bushels wheat. Five bushels of oats. 18 or 20 tons of hay.

Remarks.—Wm. McDonald (son) has been working for Mr. Cowan for 1½ months at \$20 per month. He is now engaged with thresher at same wages. 18 acres ploughed, house and stable, value \$90. Donald (son) has earned \$10 away one month. Catherine (niece) earning \$8 per month. Margaret (niece) earning \$8 per month, started two weeks since. Very near the lake, but does not seem to go in for the fishing.

No. 24.—ANGUS McLEOD.

House.—14 by 16. Double boarded, packed between with clay, &c. Has a log addition 14 by 10.

Stable.—Log and turf. Turf roof.

Ploughing, &c.—45 acres ready for crop.

Well, but no water.

Improvements, as above, valued at \$218.

Stock.—One yoke of oxen, one cow, one yearling, one calf, two pigs, and chickens.

Crop, 1889.—35 bushels of wheat from 9 acres. No oats or barley. Four bushels potatoes, seven or eight sown. 20 loads hay.

Remarks.—Alex. Morrison and Constance Morrison (cousins) engaged all the time. John Morrison (cousin) been earning \$8 per month all the time since spring. Jno. Morrison has repaid all the money Angus McLeod spent for him, the others have not paid him anything. Alexander Morrison has 15 acres ready for crop, value \$37.50.

No. 25.—ANGUS MORRISON.

House.—14 by 16. Double boarded, with paper between.

Stable.—Log and turf. He is busy building a new one, which will be very good when finished.

Ploughing, &c.—35 acres ready for crop.

Improvements, as above, valued at \$205.

Stock.—One yoke of oxen, two cows, one yearling heifer, two calves, four pigs, and a few fowls.

Crop, 1889.—Seven or eight loads of hay. 30 bushels of wheat from 8 acres. 15 bushels of potatoes.

Remarks.—Archie (son) was out thrashing, but did not get paid. \$11 due him. 9 acres ploughed on his homestead, value \$22.50.

No. 26.—DONALD McKINNON.

House.—14 by 20. Double boarded, and packed between with clay, &c. No log addition.

Stable.—Has two very good, dug out of bank, with logs and turf walls.

Ploughing, &c.—40 acres ready for crop.

Well, but no water.

Improvements, as above, valued at \$275.

Stock.—Two yokes of oxen, three cows, one yearling, three calves, two pigs, some chickens and guinea fowl. Two sheep.

Crop, 1889.—27 bushels of wheat from 8 acres. No oats or barley. 20 bushels potatoes from 10 sown. 20 loads hay.

Remarks.—The extra yoke of oxen belongs to John (younger brother). Has worked out for them partly. His sisters have paid him most of the money spent for them. Two are now married, the other engaged at Glenboro' at \$12 per month. 7 acres ploughed on Mrs. McKinnon's (the mother's) homestead, value \$30. Nothing done on Kenneth's land (brother).

No. 27.—DONALD STEWART.

House.—14 by 16. Double boarded, packed between with clay, &c. Has an addition made of lumber 12 by 14.

Stable.—Very good. Built of logs, turf walls and roof.

Ploughing, &c.—50 acres ready for crop next year.

Two wells, but very little water.

Improvements, as above, valued at \$320.

Stock.—One yoke of oxen, four cows, four calves, two heifers, two pigs, pony and trap, 50 chickens.

Crop, 1889.—50 bushels of wheat from 9 acres. No oats or barley. 20 bushels of potatoes. 25 loads of hay.

Remarks.—Has a mower, paid for. Kenneth Stewart (son) working on his own place. 7 acres broken, value \$17.50. McLeod (brother-in-law) has 7 or 8 acres (value \$32) broken, on his homestead. Both boys intend building houses on their homesteads next spring. Very well satisfied with the way in which they have been treated, and like the country. Mrs. Stewart spins a good deal, and knits socks for sale.

No. 28.—RONALD MCKAY.

House.—14 by 16. Double boarded, packed between with clay, &c. Has built log addition, incomplete.

Stable.—Log and turf.

Ploughing, &c.—10 acres fenced for a pasturage. 45 acres ready for crop.
Two wells, good water.

Improvements, as above, valued at \$221.

Stock.—Yoke of oxen, one cow, one yearling, one calf, two pigs, 15 chickens.

Crop, 1889.—36 bushels wheat from 8 acres. Eight or nine bushels potatoes from 14 sown. 12 loads hay.

Remarks.—Has a seeder \$22, but not paid for. Mary (sister) away at Manitou. Has received a dollar from her since she went a year ago. Likes the country, getting on well.

No. 29.—DUGALD MCKENZIE.

House.—14 by 16. Double boarded, with clay between. Has built small log addition 14 by 12.

Stable.—Log and turf.

Ploughing, &c.—40 acres ready for crop.
Well 42 feet, but no water in.

Improvements, as above, valued at \$270.

Stock.—One yoke of oxen, one cow, one yearling heifer, one calf, three pigs, and 20 chickens.

Crop, 1889.—26 bushels wheat from 7 acres. No oats. No barley. 18 bushels potatoes. 13 or 14 loads of hay.

Remarks.—6 acres ready on land of Donald McKenzie (brother), Morrison (cousin), and McKay (brother-in-law). John McKay, Donald McKenzie, and Hugh Morrison all earned \$50 during the year after paying board. Mary Ann McKinnon (cousin) out at service, earning \$10 per month all the time. Has paid McKenzie half of the passage money back. Say it is not easy to get the fish out of Pelican Lake, but is going to try again this winter. Donald McKenzie has 6 acres broken, value \$15. John McKay has 5 acres broken, value \$12.50. Hugh Morrison has 10 acres broken, value \$25.

No. 30.—RODERICK MCKAY.

House.—14 by 16. Double boarded, packed between with clay, &c.

Stable.—Log and turf stable.

Ploughing, &c.—40 acres ready for crop.
Has dug three wells; only got enough water for the house.

Improvements, as above, valued at \$295.

Stock.—One yoke of oxen, four cows, one yearling, three calves, two pigs, 20 chickens.

Crop, 1889.—80 bushels wheat from 11 acres. Nine bushels of potatoes.

Remarks.—Has a mower and rake. Annie Shaw (cousin) has been away since beginning of year at \$10 a month. John McKay (father) has 6 acres broken, value \$15.

No. 31.—BANN MCKINNON.

House.—14 by 20. Double boarded and "ship lapped." Stone banking. Has an addition of lumber 14 by 10.

Stable.—Log and turf stable.

Ploughing, &c.—42 acres ready for crop.

Improvements, as above, valued at \$285.

Stock.—One yoke of oxen, one cow, one yearling steer, one calf, two pigs, 10 chickens.

Crop, 1889.—32 bushels wheat from 12 acres. No oats. Six bushels potatoes from eight sown. Six loads hay.

Remarks.—Annie (daughter) now married to K. McMillan (cousin). Margaret (daughter) was working all summer for \$5 per month; she is now getting \$8. Mrs. McKinnon spins yarn, and makes socks for sale. Kenneth McMillan has been out working two months, but cannot get his money. He has house, stable, well, and 8 acres ploughed, value \$165.

No. 32.—KENNETH MCLEOD.

House.—14 by 16. Double boarded, packed between with clay, &c. Has stone banking half way up.

Stable.—Log and turf, and dug out.

Ploughing, &c.—30 acres ready for crop.
10 acres fencing for pasturage.
Improvements, as above, valued at \$256.
Stock.—One yoke of oxen, two cows, one yearling, two calves, 30 chickens, two pigs.
Crop, 1889.—33 bushels of wheat and 20 bushels potatoes.

No. 33.—JOHN FRASER. (*See* page 5.)

House.—14 by 16. Double boarded and papered inside. Turf walls on outside.
Stable.—One log and turf stable.
Ploughing, &c.—37 acres ready for crop.
Improvements, as above, valued at \$220.
Stock.—One yoke of oxen, one cow, one heifer, one calf.
Crop, 1889.—22 bushels of wheat from 10 acres. Five bushels of potatoes from two bushels sown.
Remarks.—John Fraser dead, his son Donald is working on his father's place. Eldest girl out at service all summer for \$10 per month, but is now at home. Donald has 5 acres broken on his own place, value \$12·50.

APPENDIX B.

Notes on Settlement of Crofters at Saltcoats, N.W.T. (Oct. 1889).

No. 1.—JOHN MCAULAY.

Family.—Consists of a wife and three small children, aged three, four, and one year, respectively. All in good health. John Murray, a cousin, accompanied them from Scotland. Is now at work, it is supposed, at Portage la Prairie. Has not been heard from. Has not remitted any of his earnings.
Breaking.—Has about 6 acres ploughed.
House.—Well turfed outside, as high as wall plate. Gables are yet to be protected. When this is done the house should be warm and comfortable, and capable of resisting the severest cold.
Stable.—Is now in course of construction. The necessary turfs are cut and ready at hand.
Stock.—Is well satisfied with his oxen. It appears that he returned the team originally allotted to him, paying \$18 extra, to get a better yoke. Cow and calf doing well.
Well.—None. He and No. 9 are digging one together for common use. At present gets water from one of his neighbours.
Hay.—Has about five tons of hay now in stack. Says that he has as much more lying in the meadow ready to be drawn in. Complains of length of time spent in haying, having been more than six weeks at it. It had to be cut with a scythe and raked by hand.
Labour.—When told that he should go off to the grade and earn wages with the rest, declined to do so until all his buildings, &c. were ready for winter.
Complaints.—None; does not speak English well.
General.—Says he likes the country "middling well." This is his second location, having declined to take the land originally allotted to him. Requires winter clothes, as well as for his family.

No. 2.—KENNETH MCIVOR.

Family.—Sons, aged 18, 10, 6, 4, 2; daughters, 16 and 8; wife. Son James was at Killarney; is now at the Rockies. Wants to join father and take up the south-western quarter. Writes to his parents and promises to remit money. Another son is working with farmer named Gunn. Has been offered a cow as wages. Eldest daughter is blind. Lost her sight since her arrival here. Is otherwise in good health. Doctor attributes cause to some internal trouble. Children otherwise well and healthy.
Breaking.—About 10 acres.

House.—Party turfed; nearly ready for the winter.

Stable.—Finished. Pole and turf roof. Will doubtless prove a warm and comfortable one for stock.

Oxen.—Good; two oxen.

Cow.—Says it is "very middling." Has a good calf.

Well.—Depth 15 feet, and contains about 3 feet of good water.

Hay.—Has two tons of hay in stack on farm and about eight tons in meadow to be drawn up later on.

Labour.—This man went out to work of his own accord.

General.—Wife stated that she liked the country well enough. Said that the husband had been very busy all through the summer, and had only lately been able to go to work.

No. 3.—DONALD MONTGOMERY.

Family.—Wife and three small children aged 7, 3, and 1 years. Duncan Martin is his partner. Says that he took him as such on the "Claymore," and that up till then was a stranger to him. Martin is employed upon a threshing gang at \$30 a month. Has not received any money from him though he has promised to send some.

Breaking.—None.

House.—The walls are now almost entirely protected with turf, and a little more work will render the house ready for winter.

Stable.—Built of turf and poles. Roof yet to be finished.

Oxen.—The yoke supplied this man turned out badly, and were condemned by Mr. Buchanan, who was appointed to test them.

Cow.—Good. Gives a fair supply of milk. Calf getting on well.

Well.—38½ feet deep; gives a fair supply of water.

Hay.—Five tons in stack, and as much more in the meadow to be drawn in.

General.—Mr. Borrodaile will have Montgomery provided with oxen without unnecessary delay. Says he likes the country well enough, and would like to get some friends out to join him. Asks that clothing be supplied himself and family before the winter sets in.

No. 4.—KATHERINE MACDONALD, a Widow (*see* page 7).

Family.—Son of 14; three smaller children, daughters of 7, 5, and 3. Colin McIver accompanied family. Went to work at Portage la Prairie 12th May. Returned and started out again, 23rd June. Has sent no money.

Breaking.—None.

House.—In course of preparation for the winter. Interior neat and tidy, with curtained bed place.

Stable.—None; unnecessary at present. Norman McRae will winter stock.

Stock.—Oxen, good.

Cow.—Good milker, with a fine calf.

Well.—None; gets water from No. 46.

Hay.—Will be allowed to share No. 8's hay.

General.—Donald Montgomery and Norman McRae are helping the widow, erecting turf walls to the house, putting up hay, wintering stock, and generally taking all care of her and her family. Norman thinks the widow might have a second-hand waggon supplied her, and the use of his oxen (which he is willing to allow) will enable her to get along. Her oxen might be taken away, and an extra cow, which she could look after herself, might be given her. Children will want clothes. A Red River cart, it is thought, will suit her at first better than a second-hand waggon.

No. 5.—MALCOLM MCKAY (father of No. 37).

Family.—Wife and three sons, 18, 16, 14, and daughter aged 13. Son Donald, 18, wants quarter section alongside father. Is working at Winnipeg. Son Donald 16. Has had two months' work at \$4. Son Niel, 14, had been to work; thought \$50 a year insufficient. John, another son, and two daughters (one married) at Killarney. Daughter Martha, 13, sick. With No. 32.

Breaking.—Four acres.

House.—Walls are well plastered outside on rails, which should add very much to the warmth. Inside was noticed a home-made churn, rather neatly and ingeniously constructed. Spinning-wheel in use by wife. McKay had drawn up a fair supply of firewood against the cold weather, and had constructed a skid for drawing water, which he will be able to use as a sleigh during the winter.

Stable.—Turf walls completed and the frame of the roof constructed of poles ready for the reception of the hay and turf, which will make it warm and weather-proof.

Well.—25 feet; contains but little water; but this may be remedied by deepening the well a couple of feet or so.

Hay.—Has about six loads drawn in, and more lying in the meadow.

Labour.—One of the boys now at home should be able to find work, and so contribute towards the support of the family.

Stock.—Two oxen, one cow. One cow purchased by himself.

No. 6.—DONALD MORRISON.

Family.—Wife and three daughters, 19, 9, and 2. Sons, 13 and 6. Annie, the eldest daughter, has been at work since the 21st of July last. Has been written to for money, but has, so far, made no remittance.

Breaking.—Has 3 acres breaking.

House.—Has the lower floor plastered inside with mud on rails. When the upstairs is done should be warm and comfortable.

Stables.—Substantial walls of turf are built, and the framework for the roof, formed of posts and rails, is ready for covering. A couple of days' work should complete this.

Stock.—Two oxen, one cow.

Well.—22 feet deep; contains one foot of water.

Hay.—Eight tons in stack.

Complaints.—Says that his children are very badly clothed, and are quite unable to face the cold weather as they are. Says that part of his stove furniture was stolen from him at the station, and that he cannot get on without the frying-pan and baking-pan, which are missing. Borradaile was instructed to supply these articles and charge them. Claims that the Government agreed to winter the crofters, and that it is therefore bound to see them through. Was told no promise of the kind was made. Is accused in the neighbourhood of having set fire to the prairie, and was fined after being tried.

No. 7.—NORMAN MCAULAY.

Family.—Wife and two children, aged two and one years, boys. Alexander McAulay, a cousin, accompanied them. Is now working at Portage la Prairie. Has not remitted any of his wages. Wants the S.E. quarter section, 15 Tp. 21 Rge. 1 W. 2. Annie McKay, a cousin, is working at Gladsone. Has not sent them any money.

Breaking.—About 7 acres.

House.—Built on wrong place. Turf walls commenced in addition for purposes of warmth.

Stable.—Incomplete. Has the walls, which are of turf, all finished and ridge pole of roof in its place. Should be able to finish it off in a few days.

Stock.—Yoke of oxen and one cow, which appear to be very satisfactory.

Well.—Has had ill luck with well digging. Has commenced and abandoned two after getting down several feet, owing to encountering large boulders which prevented further progress. Has to get water from a neighbour at present.

Hay.—Has about 4 tons at the house, and will have to draw the balance, 6 tons, from the meadow on first opportunity.

Labour.—An industrious man. Went out to work on the railway of his own accord. Was there at time of visit. Saw his wife, but as she spoke no English, could get but little information. She and children appeared to be in good health.

No. 8.—NORMAN McRAE.

Family.—Wife; daughters of 11, 8, and 1, and son of 6. Donald McIvor came out with him. Returned to him twice after setting out to find work. Is now employed upon a steamer.

Breaking.—Has about 6 acres broken.

House.—Walls nearly finished. Neat interior.

Stable.—Has got the turf walls of the building completed, but no attempt made at the roof yet.

Stock.—Says that the oxen are not willing, but as they are strong and able, he is pleased enough with them. Complains about his cow. Has had much trouble with her. Is able, however, to raise calves. Asks that she be changed, and another given him in her place. Has altogether two cows and two calves.

Hay.—Has about 9 tons of hay up at the farm. Says that he has more at the meadow to draw up.

Well.—None. Gets water from a neighbour.

General.—Says he left a fishing boat with his friends which was worth 500*l*. Had debts which he left behind him to the amount of about 150*l*.

Children are very badly in need of clothes for the cold weather. Wife could spin and knit the wool if some were supplied her. This would possibly be the most economical method of getting clothes and socks for the little ones.

Says that he is pleased with the country.

Also, that he wishes he had paid 20*l*. and had his house ready built for him to go into instead of enduring the inconvenience he has. Considers some ploughing prepared beforehand would have been of great service.

No. 9.—JOHN McAULAY.

Family.—Wife and three children, daughters six and three, son 6/12. John McKenzie cousin, who accompanied them, left for the Portage on the 12th of May to obtain work. Is now engaged fishing upon lake Manitoba. No. 9 had a letter from him but no money. Thinks that he will send him some.

House.—Walls well sodded except the gables; otherwise ready for the winter.

Stable.—None yet.

Stock.—Oxen all right. Cow giving fair supply of milk. Has two cows.

Well.—Unsatisfactory; 30 feet deep, and contains a little water, which is strongly alkaline. Will try boring with auger, which will probably enable him to secure a fair supply of water.

Hay.—Has drawn in six loads of hay from the meadow, and has as much more yet lying out there.

Breaking.—Five or 6 acres.

No. 10.—DONALD McDONALD. (See page 7.)

Wife, Ronald, brother, and Marion (adopted).

						\$	c.
Passage money	-	-	-	-	-	154	43
Subsistence	-	-	-	-	-	11	08
						165	51
						\$	c.
Yoke of oxen	-	-	-	-	-	113	0
Small tools	-	-	-	-	-	1	20
Provisions	-	-	-	-	-	11	73
Cash	-	-	-	-	-	20	00
Incidentals	-	-	-	-	-	6	35
						152	28
						152	28
						\$317	79

Gone to Moosomin.

No. 11.—CHARLES DOCHERTY.

Family.—Sons, 18, 14, and 11; daughters, 19 and 9 years. Alexine (19) was at work at Birtle with Mr. Fraser; got an attack of measles, and returned home; is still ill and unfit for work; symptoms are severe pain in the chest and vomiting. Her appearance certainly bore out the father's contention that the girl could not leave home. Son (18) wants S.E. quarter of same section as homestead. Is unable to go to work; very sickly.

Breaking.—10 acres back-set.

House.—Partly turfed walls. Is now erecting addition of pole and frame to act as protection from weather and to afford additional accommodation. This house will, doubtless, prove warm, as it is sunk 3 feet in the ground.

Stable.—Built of turfs and poles. Finished and ready for occupation.

Stock.—Oxen, cow, and calf.

Well.—Has dug two wells; (1) 18 feet, no water; (2) 26 feet, still digging; auger shows trace of a little water.

Hay.—Hay, in stack on farm, about 15 tons.

Labour.—Agreed to come to Saltcoats the following day to set to work on the railroad.

Complains of his cow. Became useless three days after he got her. Acknowledges that he made the selection himself.

No. 12.—ALEXANDER MACDONALD.

Family.—Wife; sons, 14, 12, 4, and 2; daughters, 10 and 8.

Breaking.—10 acres broken, part of it back-set.

House.—Says he wished he had built a turf house at the commencement, instead of having the present kind erected. Is now engaged in erecting a turf addition to afford additional accommodation and protection from the weather. Has plastered downstairs the interior of the house with clay and pieces of poplar between the studs.

Stable.—Well finished; turf and poles; neatly done; divided into stalls for the stock.

Stock.—Two cows, both milking; one of which he purchased with his own money. Has also two pigs; yoke of oxen.

Well.—28 feet deep; contains very little water; lake close by.

Hay.—Has about 10 tons of hay in stack.

Labour.—Agreed to go to work on the following day on the railway.

Complaints.—Failure of potato crop; says he only got $4\frac{1}{2}$ bushels from 17 bushels sown. Says he is satisfied with the farm, which is well adapted to stock-raising. Will do his best to keep up his credit.

General.—This man refused his first location, and is now upon land selected by himself. That which he rejected has been taken up by another settler. Brought 15*l.* out with him; says he has only 25 cents left. Has a supply of summer clothes, but will require some for himself and children for the winter.

No. 13.—MALCOLM McLEOD.

Family.—Mother; sister at work at Strathclare with Peter McFadden. Cousin, John McLeod, at Portage la Prairie since the 12th of May.

Breaking.—Two acres only.

House.—Built by himself; inside partly plastered.

Stable.—Heavy turf walls nearly completed; frame of roof, composed of rails, erected ready for covering.

Stock.—He and No. 15 had each half yoke. Did not get on together. Have now each a yoke of oxen, but still share the waggon. Has two cows and two calves.

Well.—12 feet deep; contains 2 feet of good water.

Hay.—About 8 tons of hay in stack on farm.

Labour.—This man ought to go to work; word was left for him to that effect, but he failed to arrive on the day appointed.

General.—Was absent from home on the occasion of our visit, and, as his mother speaks no English, we were unable to gain much information.

No. 14.—DONALD GRAHAM.

Family.—Wife and five children ; sons, 8 and 6 ; daughters, 10, 3, and 3 months. Has no adult help.

Breaking.—Has 14 acres broken.

House.—Not fixed for winter ; will require to devote his time to this without delay.

Stable.—Turf walls, partly completed.

Stock.—Yoke of oxen ; three cows. Has some fowls.

Well.—Good, contains 3 feet of water ; depth 18 feet.

Hay.—8 tons.

Labour.—Is now engaged at working on the railway with his oxen.

General.—Being absent from home, and his wife not speaking English, we were unable to get much information.

No. 15.—ANGUS SMITH.

Family.—Newly married wife. Brother Roderick, at Regina. Has not had any money from him. Wants the S.W. quarter.

Breaking.—2 acres.

House.—Built by himself ; partly finished inside.

Stable.—Finished. Turf walls, and pole and turf roof ; faces north. Wants lumber to make a door for it.

Stock.—Oxen doing well. Has two cows and two calves ; has plenty of milk.

Well.—12 feet deep, with 3 feet of water.

Hay.—6 tons ; well fire guarded.

Labour.—Was offered \$3 50c. a week and board on railway work. Did not think it enough ; preferred to stay at home. Now agrees to go to work on Thursday.

Complaints.—None.

General.—This man has a gun supplied him at a cost of \$12. The country affords many opportunities in the way of game.

No. 16.—ALEXANDER McLEAN.

Family.—Wife and four sons, 18, 16, 14, and 10. Alexander, eldest son, worked at West Selkirk two months at \$15 a month. Brought back \$20 ; says no more work obtainable. Agrees to go to railway work on Thursday. Murdo, the second boy, works at Basswood.

Breaking.—Four acres.

House.—Very neatly finished inside with split rails and plaster ; nearly completed.

Stable.—Turf roof partly finished. Has dug a passage into the stable for additional warmth, so as to avoid direct communication with the air.

Stock.—Oxen all right. Cow doing well ; gives little milk. Has a good calf. Has a fine little pig, bought by Alexander out of his wages.

Wells.—Has two wells, one 30 feet deep, with 2 feet of water.

Hay.—10 tons.

Labour.—Is too old to go to work. Suffers also from sore eyes.

General.—Wife engaged in spinning. Wool supplied on shares by some one in the neighbourhood.

No. 17.—JOHN McLEAN.

Family.—Margaret, his wife. Said to have a son of 16. Angus, his brother, went to Winnipeg on the 27th July. Now working upon the dump ; had no money from him yet. John, a cousin, went to Portage la Prairie on 12th May. Now at Regina. Had no money from him.

Breaking.—Four acres.

House.—Plastered downstairs on the inside ; when done upstairs the house will be ready for winter. Has table and dresser ; roof tar-papered.

Stable.—Large and good, as far as done; one slope of roof remaining unfinished at present. Walls turf, and frame of poplar poles.
Stock.—Oxen all right; cows give about 3 quarts a day; calf doing well.
Well.—18 feet; 3 feet of water.
Hay.—10 tons in stack.
Labour.—Will go to work on dump on Thursday.

No. 18.—DUNCAN McLEOD.

Family.—Consists of wife and two sons, 14 and 20. Murdo, the eldest, is at work on the Regina and Long Lake Railway. John, the younger, is at home, helping the father, who is an old man.

Breaking.—Only 1 acre.

House.—Not ready for winter.

Stables.—Walls of turf ready for roof, for which poles have been cut and drawn ready for construction. Stable is well dug out of a bank and promises to be warm when completed.

Stock.—Two oxen and two cows.

Well.—Has joint well with 23.

Hay.—Six or seven tons. Left a note telling him to plough a fire guard round the place as he is running a great risk.

General.—Found the family in the house (12.20 p.m.) reading the Bible.

No. 19.—DONALD MCKAY. (See page 7.)

Family.—Son of 14; daughters of 16 and 11; wife. Norman, his brother, away at work. Says he gave Norman his only good pair of boots to take him away with. That not long ago he was burned out, losing everything he had. Effie, his daughter, is working at Portage la Prairie; not been heard from.

Breaking.—About 1 acre.

House.—Not yet ready for winter. Is packing the walls with peat moss for sake of warmth. Has constructed bedsteads.

Stable.—Very good; expended a great deal of labour upon it. Dug out of bank walls constructed of turf and roof of poles covered with peat moss, and turf over that.

Stock.—Complains that oxen are too young to be of much service; has a good cow.

Well.—35 feet deep, with good water.

Hay.—About nine tons.

Labour.—Has helped to dig three wells, entailing a good deal of work.

Tools supplied him not first rate; hammer head broken off. Mr. Borradaile requested to give him another.

General.—Will require winter clothing for himself and family. Mr. Borradaile to supply him with a pair of boots if he will consent to go to work and turn up at the grading.

No. 20.—KENNETH MURRAY.

Family.—Newly married wife. Alexander Morrison, partner, went to Portage la Prairie on the 12th May. Has received no money from him yet.

Breaking.—Has broken some three or four acres.

House.—Partly turfed.

Stable.—Constructed of turf and poles; very good.

Stock.—Oxen very good; cow.

Well.—None; gets water from Donald Morrison.

Hay.—Has 8 tons in stack.

Labour.—Told to go to Saltcoats for work on railway; declined.

No. 21.—FINDLAY McLEAN, R.N.R.

Family.—Wife, and one child three months old. Donald McLeod, brother-in-law, at work. Mary McPhail, a cousin, at Portage la Prairie.

Breaking.—Only about four acres.

House.—Not ready for winter; lying around are rails ready for this work. Explains delay by saying that he has been waiting for Donald, who promised to come and help him. Interior of house appears to be tidy, and comparatively neat.

Stable.—Walls are finished and frame of roof completed ready for covering in.

Stock.—Two cows and two calves. Thinks one calf sickly. Says cows were milked and spoilt at Saltcoats, thereby injuring calf. Says oxen are nine years old, and no good for the plough, as they were always used hitherto for drawing logs for the saw mill. Claims that it takes two men to work them, one leading. (These oxen were tried and reported on by Buchanan, who said that they would do all right with a little care.)

Well.—32 feet deep; not much water.

Hay.—Eight or nine tons; says he lost a couple of tons by fire on the meadow.

Labour.—Cannot go away to work on account of wife.

Complaint.—Bad tools; says he has broken two hammers.

General.—Had 5*l.* when he left the old country, says he bought clothes with it.

No. 22.—ALEXANDER MITCHELL.

Family.—Wife and two children, daughters of 2½ years and six months. Niel McLeod wants N.E. quarter as homestead; if allowed to take it is willing to give a lien for overdraft; is working at Gladstone; has sent no money. Annie, working with Mrs. Morton at Gladstone, sent \$3.

Breaking.—Has 11 or 12 acres done.

House.—Built by himself. Not completed yet; getting on slowly. Great delay owing to his not taking lumber until August.

Stable.—Not commenced yet; says the turf is all burnt up.

Stock.—Did not get oxen till late; returned his original yoke; cow calved since he got her; had no calf at foot.

Well.—21 feet; 9 feet of good water.

Hay.—12 or 15 tons, well stacked.

Labour.—Work too backward to admit of his going away from home.

Complaint.—Prairie fire; great damage to soil. Also that he did not get calf with his cow.

No. 23.—DONALD MCLEOD (Son of No. 18).

Family.—Wife and two children. Is a sickly man; suffered from diphtheria. Has brother and sister in Winnipeg.

Breaking.—Two acres.

House.—Has commenced to fix it up for the winter; inside is pretty good.

Stable.—Pretty good as far as completed; walls up; composed of logs and turf.

Stock.—Oxen and cow.

Well.—42 feet deep, but only 6 inches of water; requires deepening.

Hay.—Six or seven tons. Requires a fire guard; left a note to this effect.

Labour.—Not able to go to work; health poor.

General.—Absent from home on occasion of visit; was not able to get much information consequently.

No. 24.—MALCOLM McDONALD.

Family.—Wife and two boys (two years and six months). Mary McPhail, sister-in-law, at Portage la Prairie; has written and promised to send money. John McRae has been earning wages at Portage la Prairie; has written to the family, but remitted no money.

Breaking.—Eight acres.

House.—Walls sodded outside, and a turf addition commenced and partly completed.

Stable.—Built of turf and poles; finished ready for winter.

Stock.—Oxen and two cows.

Well.—On N.W. quarter, 16 feet deep; four feet of water.

Hay.—About one ton at house, and 10 more lying in meadow.

Labour.—Promises to go to work on the railway.

General.—House built on wrong quarter section. John McRae to take the house and pay No. 24 for it, who will then put up house in his own quarter section.

No. 25.—DONALD MACDONALD (Stonemason by trade).

Family.—Wife and three children, boy of 3, girl of 4, and infant. Murdoch, his brother, has been at the Portage since 12th May. Has been written to, but has sent no money.

Breaking.—10 acres.

House.—Well finished; good substantial addition erected, with an open fireplace of stone.

Stable.—Well finished. Worth \$20. Turf and pole.

Stock.—Two cows; only one milking, giving about a teacupful. Yoke of oxen.

Well.—25 feet deep, but only 4 inches of water. Requires deepening. Lake close by.

Hay.—About 10 tons up.

Labour.—Arranged to work on railway on the 9th.

General.—Wife said she liked the country well enough, and that the children were very well indeed. Says the whole family will require winter things. Brought out no money.

No. 26.—ANGUS MCKAY.

Family.—Wife and four children.

Breaking.—4 acres.

House.—Has done nothing towards fitting it for the winter, says his time has been fully taken up in well digging.

Stable.—Walls completed, and roof ready to be covered.

Stock.—Oxen and cow doing well.

Well.—Uses well dug jointly with No. 19.

Hay.—Has 10 tons. Complains of the time lost in putting this up.

No. 27.—MALCOLM McDONALD. (See page 7.)

\$184.97.

Gone to Killarney.

Was told might have oxen if he came up for them before 15th September. Did not come and has not yet turned up (November 15th).

No. 28.—ROBERT MCKAY.

Family.—Wife and four children (son, 8; and daughters, 6, 4, 2). Arranged for them all to live with a neighbour whilst he went off to earn some wages on the railway. Brought out a female lunatic for whose passage he is charged 8*l*. This sum appears to have been handed him on leaving so that he might not lose anything. Says he spent it and much of his own money on a sick child. Sister-in-law is out earning wages.

Breaking.—12 acres. Back-setting commenced.

House.—Not fixed for the winter; will be completed upon his return from the railway.

Stable.—Turf walls completed, ready for the roof. A few days' work will render this weatherproof.

Stock.—Two cows and two calves; also has a few chickens. Yoke of oxen

Well.—13 feet deep, and 3 feet of water.

Hay.—About 15 tons.

No. 29.—ALEXANDER MURRAY.

Family.—Wife and two sons, 18 and 14. Murdo, eldest, now working at the Rockies; is suffering from sore eyes and will return. Roderick, working at Basswood; has made no remittance. Donald Murray joined him from Killarney.

Breaking.—10 acres.

House.—Well turfed; in capital condition for the winter. Has good supply of firewood drawn up.

Stable.—Turf and pole; best stable in the Colony. Wants lumber for door.

Oxen.—Cost \$140; is satisfied with them. Cow and calf in good condition.

Well.—19 feet; 6 feet of water. Covered over with poles and clay with neat trap door.

Hay.—About 8 tons.

Labour.—Donald will go to work at the railway crossing of Whitesand Creek.

General.—Will want clothes for the winter. Says that his wife finds the place lonely and misses the Gospel.

No. 30.—ALEXANDER MORRISON.

Family.—Wife and three small daughters, aged 7, 3, and 1½ years.

Breaking.—9 or 10 acres.

House.—Walls protected with rails laid horizontally and mudded; half finished; neat interior.

Stable.—Logs with heavy turfing outside; now in course of construction. Is being erected jointly with No. 44.

Stock.—Complains very much of his oxen. One of them is lame and useless; cannot stand hard work, though lameness passes off with rest. (Chose this beast himself.)

Cow.—Gives about 1½ quarts. Calf all right.

Well.—About 45 feet deep; water brackish.

Hay.—9 to 10 tons. Has more stacked in meadow. Complains of the heavy labour involved in putting it up.

General.—This man is now upon his second allotment; his first, which he rejected, was since taken by one Pollock. Will require winter clothing for family.

No. 31.—DONALD MORRISON.

Family.—Wife and six children, all under 15. Sons, 13 and 8; daughters, 15, 10, 4, and 1½. Eldest daughter went to Portage la Prairie on the 25th July. Has not sent any of her wages.

Breaking.—Two acres.

House.—Not fixed for the winter.

Stable.—Big stable of turf and poles. Not completed.

Stock.—Wants his oxen changed. Has two cows giving milk. Has two pigs; worked a day for each.

Well.—25 feet deep, contains seven feet of water.

Hay.—Has about six tons.

Labour.—Cannot leave family to go to railway work. Complains that he lost a great deal of time about one of his oxen. Nevertheless he likes the beast, which is a good worker.

General.—Has an additional cow, which was earned by one of his daughters as wages.

No. 32.—JOHN MCKAY.

Settled on Hudson Bay quarter by mistake. His improvements are on the S.E. quarter, which his son, Malcolm, will take up, consisting of 80 acres.

Family.—Wife, and son of 22, and daughters of 27, 18, and two 12. Malcolm at work. Rachel, daughter, at Portage la Prairie, working with Mrs. Dancer. Mary, sister, is at home.

Breaking.—Five acres.

House.—Roof sodded over. Walls plastered inside downstairs. Two spinning wheels.

Stable.—Built of turf and poles. Finished.

Stock.—Was given a yoke of oxen. Has small pig. Two cows with calves. One of the cows was purchased by himself.

Well.—18 feet deep; little water.

Hay.—About eight tons.

Nos. 33 and 34.

No. 34.—JOHN MCKAY, senior.

No. 33.—JOHN MCKAY, junior.

Family.—Consists of wife and eight children; sons, 14, 10, and infant; daughters, 16, 10, 8, 4. Kenneth, his brother, is at Portage la Prairie. Had a letter from him, but no money. Brother's family is in the old country, looked after by friends. Donald Murray went to Portage la Prairie on the 12th of May. Is now at Rat Portage employed on a saw mill. Has received no money from him. Catherine, daughter, 16 years, at home.

Breaking.—Father has six acres; son has none.

House.—Walls are partly turfed; a few days' work will make it warm and habitable during the winter.

Stable.—Excellent. Built of turf and roofed with hay. Should be very warm. Wants another cow.

Hay.—About seven loads on the spot; says he has another five left in meadow.

Well.—None; water is obtained from No. 3.

Labour.—Son agrees to go to work on railway at Whitesand Creek on Friday.

General.—The whole family will want clothes. Had no money when they came out. No. 33 has one cow; No. 34 has one cow and two oxen.

No. 35.—PETER MORRISON.

Family.—Wife, and sons of 11, 9, 7, and 5; daughter of 3.

Breaking.—Only one acre. Says that haying has fully occupied all his time since the 15th of July.

House.—Partly finished inside. Has a good supply of firewood.

Stable.—Very good indeed; built of thick turf.

Stock.—Cow is giving milk. Has yoke of oxen.

Well.—None. Will commence at it.

Hay.—Has about 11 tons.

Labour.—Says that he cannot leave his family for railway work.

No. 36.—DONALD MACDONALD.

Family.—Mother, over 40 years. Brothers, 20 and 17; sisters 15 and 13. Brother, John, aged 17, went to Winnipeg on the 7th July. Has been employed with a farmer. Is now engaged with another farmer. Alexander, brother, 20 years, went to Portage la Prairie on the 29th of May. No letter from him. Christine, sister, was working out, but not receiving any wages left and went to another place. Annie is at home helping the mother.

Breaking.—Five acres.

House.—Nearly finished inside. Roof partly turfed. Mother has spinning wheel. Fair supply of firewood drawn up to the house.

Stables.—Very good; turf and pole. Roof covered over with hay. Requires lumber to make a door.

Well.—Dug down 15 feet; scanty supply of water.

Hay.—Has 10 tons, or thereabouts.

Labour.—Said he was very anxious for work.

Complaint.—That his work was much hampered through his having only half share of waggon. The sole control would have greatly facilitated his operations.

Stock.—Yoke of oxen, cow, and calf; all satisfactory.

General.—Asks that the family be supplied with clothing for the winter. Did not bring much with him for want of money.

No. 37.—RODERICK MCKAY (Son of No 5).

Family.—Wife and three children; son, aged 1 year; daughters, 3 and 5. Brother Angus went to Portage la Prairie 29th May. Aunt, aged 58 years. McKay has received money from none.

Breaking.—Five acres.

House.—Plastered outside on rails. Nearly ready for winter. Spinning wheel in the house.

Stable.—Very good. Dug out of the bank. Pole roof. Turf walls, about five feet thick at base.

Stock.—Cow, not in calf, and has never had calf. Gets milk from his father's cow. Asks that an exchange be made. Oxen are old, but good workers.

Well.—22 feet deep, but no water. Thinks he can get water by using auger.

Hay.—Has seven loads cut with his father; about one-third drawn in. His hay is stacked dangerously near the house. Mr. Borradaile was instructed to get him to move it a little further away. A spark from the stove-pipe would cause the destruction of hay and house.

General.—Says he had a one-third share in boat. Brought a little money with him; has now only 20 cents left. Has enough stockings for the winter, but no clothes. Has a roll of excellent tweed, woven by Ewen McKay, which he has been endeavouring to sell at 1 dollar a yard; was offered 75 cents, but refused.

No. 38.—MURDO MCSWEEN.

Family.—Wife, and partner, Donald Campbell. Has had a letter from him, saying that he will be up this fall. Is working at Macdonald Station. Murdo says he does not expect to be repaid by his partner.

House.—Plastered outside on rails laid horizontally. Declares his lumber was 140 feet short, \$3. It seems that after delivery of the quantity necessary for the house, Murdo took it to the lake and hauled it about the country.

Stable.—Half built; rails and turf.

Well.—42 feet deep; contains six feet of good water.

Breaking.—Six or seven acres.

Hay.—Has eight tons lying in the meadow and two tons in stack.

Clothes.—None for the winter; has plenty of light summer things.

No. 39.—EWAN MCKAY (weaver by trade).

Family.—Wife, and three sons, aged 12, 11, and 5; and three daughters, aged 15, 10, and 2. One of his girls had work at hotel, but returned home after a while.

Breaking.—Five acres.

House.—Turf roof over boards and tar paper; plastered inside up and down stairs. Has spinning wheel and loom, and would like to follow his trade.

Stable.—Built of logs, with turf walls and sod and hay roof.

Stock.—Cow and calf, and oxen. Satisfied with them.

Well.—38 feet; 3½ feet of water.

Hay.—Has about eight tons.

Labour.—Was told to come to work on Wednesday.

No. 40.—NIEL MCSWEEN.

Family.—Brother and his wife. Brother Tulloch working at Medicine Hat. Wife staying at Niel's House. Annie, sister, at home. Marion working at Birtle with Mrs. Herchmer; writes, but sends no money. Catherine McCuish, friend, left them at Winnipeg; is at service. No letter from her.

Breaking.—Four or five acres.

House.—Turfed roof over boards and tar paper; partly plastered inside. Sister has spinning wheel. Not plastered upstairs yet.

Stable.—Completed; built of turf, with pole and hay roof; warm.

Stock.—Has yoke of oxen. Is well satisfied with cow. Has chickens.

Water.—40 feet deep; contains 10 feet of water.

Hay.—Has about six tons in meadow and as much in stack.

Labour.—Agreed to come to work on Friday as spare man.

No. 41.—MURDO McDONALD.

Family.—Wife, and three children, sons, aged 6, 4, and 2. Donald, a cousin, working at Arden; has written, but sent no money. Katherine McLeod, a cousin, went to Winnipeg; no word; thinks she is now at Killarney.

Breaking.—About six acres.

House.—Ready for winter; well sodded outside.

Stable.—None.

Stock.—Says oxen are only "middling." Cow all right, not much milk. Good calf.

Well.—None; gets water from No. 46.

Hay.—Nine tons.

General.—Will want clothes for the children for winter.

No. 42.—ALEXANDER YOUNG.

Family.—Wife and four children; son aged 4, daughters 8, 2, and baby. Norman Morrison, a cousin, went to Portage la Prairie on 12th May; will take S.E. quarter as homestead if he can get advance of \$300, and will then see No. 42 through. Jane Stewart came out with family, and went straight through to B.C.

Breaking.—Two acres; did some breaking for Mitchell.

House.—Built it himself. Done nothing to it for the winter.

Stable.—Turf walls up; rails for framework of roof lying alongside.

Stock.—Cow and calf lost; supposed to be in Icelandic settlement. Oxen all right.

Well.—17 feet deep; 5 feet of water; good.

Hay.—Lost all by fire; absent from home putting up more with his wife assisting him.

No. 43.—ARCHIE FERGUSON.

Family.—Wife and five children, son of 7, daughters 15, 13, 7, and 4. Marion, daughter, is at the Moosomin crofter settlement.

Breaking.—Six acres.

House.—Good; plastered downstairs; turf roof. Wife has spinning wheel.

Stable.—Very good; log and turf.

Stock.—Is satisfied. Oxen and cow all right; cow not giving much milk.

Well.—None.

Hay.—Has six tons; is getting more.

Labour.—Will go to work on the railway on Friday.

General.—Says his brother, Roderick Ferguson, one of Lady Gordon Cathcart's Moosomin crofters, has threshed out 1,000 bushels of wheat and has 20 head of stock, after five years in this country. Has promised Archie a cow and calf if he will go for them. Wants clothes for children. Likes the country well, and says that everyone has been very kind to him.

No. 44.—MURDO McIVOR.

Family.—Wife and three children, daughters 4, 2½, and ½ years. Donald Graham, cousin, at Portage la Prairie on 12th May. Was at work on railway at Drumconnor when last heard from; expects to return when work gets scarce.

Breaking.—1½ acres.

House.—Outside has enclosed house with horizontal rails, pinned at corners, and plastered in with mud, making a thick and impervious wall to the house.

Stable.—Is building one with No. 30 jointly; log and heavy turfing; making a good substantial job of it.

Stock.—Had a yoke of oxen originally; returned them two months ago. Cow poor; gives only about a quart of milk.

Well.—Shares that of No. 30.

Hay.—Has put up hay with No. 30 and will stack with him.

Labour.—Cannot go out to work; the backward condition of his own work renders it imperative he should stay and finish it.

General.—Will want winter clothing for himself and children. Says he left some ropes and nets with his neighbours.

No. 45.—NIEL McIVOR.

Family.—Wife and two small children, daughter of three and infant; all in good health. Girl who accompanied him has married Donald Murray.

House.—Walls protected with rails laid horizontally and mudded; almost completed.

Stable.—Finished; poles and turf.

Stock.—Says oxen are good enough in plough, but not up to much in waggon. Only one cow and no calf.

Hay.—Has six tons up and one-sixth share on 30 tons in meadow. Complains of seven weeks lost haying.

Well.—He and Murdo McSween share a very good well together.

Labour.—Will go to railway work at Whitesand Creek on Friday.

Complaints.—Wants another cow and calf.

Breaking.—Seven acres. Will want warm clothing for winter.

No. 46.—JOHN MACDONALD, a tailor by trade.

Family.—Wife and one child two years old. Sister Barbara was at Birtle. Received letter from her but no money. Received wages, \$6 a month. Now near Solsgirth with Mrs. Rideout. Donald, a cousin, works at Neepawa. Complains of small wages, gets \$30 a month and pays \$15 board. Has had four months' work.

Breaking.—Has about nine acres broken.

House.—Walls are nearly completed; is now engaged in finishing.

Stable.—Nothing done.

Well.—Well 17 feet deep and five feet of water; covered over and trap door constructed.

Stock.—Oxen all right, also cow. No calf.

Complaint.—No calf with cow. Claims one.

General.—Wants shoes and winter clothing for himself and family. Likes the country pretty well, but says his wife is very home-sick.

No. 47.—JOHN McIVOR.

Was seven years at York factory in the Hudson's Bay Company.

Family.—Wife; son 23, another of 15, and daughter of 12. Son, John, will give security if allowed to take S.W. quarter. Donald, another son, with McLeod at Killarney. Came up last year. Isabella, at home sick. Murdo, a son, at home.

Breaking.—Two acres.

House.—Plastered outside; turf ready for roof.

Stable.—Very good. Divided into stalls and drains cut.

Stock.—All right. One cow, bought another for himself. Has calf. Has yoke of oxen.

Well.—18 feet deep; contains $2\frac{1}{2}$ feet of water.

Hay.—10 tons in stack.

Labour.—Either he or his son will go to work on railway on Thursday.

No. 48.—KENNETH McLEOD.

Young man with no family. Has two partners who send him nothing. One of them, Donald Gillies, writes occasionally but sends no money. Says Donald will return soon and let him go away to work.

Breaking.—10 acres. Says it took him a month to do it.

House.—Cost \$71 75c. Done nothing to it for the winter.

Well.—20 feet deep; only contains six inches of water.

Stables.—Walls partly completed of turf.

Stock.—One cow; calf dead.

Hay.—11 tons. Cut with mower. Repaid use of machine with three days' labour.

General.—Likes the country. Wants N.E. quarter kept for friend in Scotland. Says did not go to work as not ready. Was helping Mitchell. Says he has only done two months' work for himself in all. Complains of the effect of the prairie fire, which has done a great deal of damage. This man was first located upon N. half section 22. He thought it not good enough and refused it. An English settler has now taken it up and erected a house costing \$900. Was urged to go to work. Agreed to go to the dump on Friday next the 9th instant.

No. 49.—DONALD McLEOD.

Donald McIvor, son of 47, came out with 49 and has gone to Killarney.

Breaking.—One acre.

House.—Is erecting Red River frame house. Is living in tent.

Well.—20 feet deep. A fair supply of water.

Hay.—About eight tons; has fenced it in.

Labour.—Was absent when we visited place. Left note for him to come in to work, which he accordingly did.

HER MAJESTY'S COLONIAL POSSESSIONS.

No. 87.

NEWFOUNDLAND.

REPORT ON THE BLUE BOOK
FOR 1888.

(In continuation of Colonial Possessions Report No. 46.)

Presented to both Houses of Parliament by Command of Her Majesty.
April 1890.



LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

1890.

[C.—5897.—17.] Price $\frac{1}{2}$ d.

REPORTS ON H.M. COLONIAL POSSESSIONS.

The following, among other, Reports relating to Her Majesty's Colonial Possessions have been issued and may be obtained for a few pence from the sources indicated on the title page:—

No.	Colony.	Year.
37	Ceylon - - - - -	1887
38	British New Guinea - - - - -	"
39	British Guiana - - - - -	1884 and 1885
40	Lagos (Western District) - - - - -	1888
41	Gambia - - - - -	1887
42	Sierra Leone - - - - -	"
43	Victoria - - - - -	"
44	British Bechuanaland - - - - -	"
45	New Guinea - - - - -	"
46	Newfoundland - - - - -	"
47	New Zealand - - - - -	"
48	Heligoland - - - - -	1888
49	Gibraltar - - - - -	"
50	Bermuda - - - - -	"
51	Trinidad - - - - -	"
52	Turks Islands - - - - -	"
53	Jamaica (Coolie Immigration) - - - - -	"
54	Falkland Islands - - - - -	"
55	Bahamas - - - - -	"
56	Jamaica - - - - -	1887-8
57	Malta - - - - -	1888
58	St. Helena - - - - -	"
59	Straits - - - - -	"
60	Natal - - - - -	"
61	Gambia - - - - -	"
62	Barbados - - - - -	"
63	Labuan - - - - -	"
64	Grenada - - - - -	"
65	Straits (Penang and Malacca) - - - - -	"
66	Gold Coast (Gold Mines) - - - - -	1889
67	St. Lucia - - - - -	1888
68	Lagos - - - - -	1887
69	Trinidad (Tobago) - - - - -	1888
70	Basutoland - - - - -	"
71	British Honduras - - - - -	"
72	British Guiana - - - - -	"
73	Western Australia - - - - -	"
74	Gold Coast - - - - -	"
75	Sierra Leone - - - - -	"
76	Gold Coast (Sanitary Report) - - - - -	"
77	Hong Kong - - - - -	"
78	Ceylon - - - - -	"
79	Fiji - - - - -	"
80	Lagos - - - - -	"
81	Victoria - - - - -	"
82	Leeward Islands - - - - -	"
83	Natal (Liquor Traffic) - - - - -	"
84	Hong Kong (Further Report) - - - - -	1888
85	Bahamas (Fibre Industry) - - - - -	"
86	Heligoland - - - - -	1889

No. 87.

NEWFOUND-
LAND.NEWFOUNDLAND.

(In continuation of Colonial Possessions Report No. 46.)

Sir TERENCE O'BRIEN to LORD KNUTSFORD.

Government House, St. John's, Newfoundland,

MY LORD, February 18, 1890.

I HAVE the honour to transmit herewith the Blue Book of this Colony for the year 1888, together with the usual report thereon, drawn up, during the absence of the Colonial Secretary on his electioneering campaign, by the chief clerk in his office.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Colonel,
Governor.

The Right Hon.
Lord Knutsford, G.C.M.G.
&c. &c. &c.

Colonial Secretary's Office,
St. John's, Newfoundland,
February 1, 1890.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to transmit, for the information of Her Majesty's Government, the Blue Book of the Colony for 1888, and regret that circumstances have prevented it being forwarded at an earlier period.

The Government recognise the force of the remarks made by the Right Hon. the Secretary of State for the Colonies in Despatch of the 11th February last in relation to the value of an earlier transmission of the Blue Book, and will direct that every effort be made to have the necessary returns furnished at a date that will permit an earlier compilation.

The statistics in relation to the trade of the Colony show an encouraging expansion in both Imports and Exports, and, taken in connexion with the widening of the fields of industry, in the extension of the bank fishery and the lobster fishery, in the greater development of mining and agriculture, point hopefully to a permanent improvement in the condition of the people of this Colony.

Imports and Exports.

The Imports amounted to \$7,420,400, an increase of \$2,022,992 over \$5,397,408 in 1887, and it is satisfactory to note that the increase is largely of manufactured goods from the United Kingdom, which rose from \$1,590,914 in 1887 to \$3,265,229 in 1888. Staple articles of consumption were also in excess, such as flour, molasses, sugar, and kerosene oil.

The Exports (exclusive of the Labrador) were \$6,523,137 against \$5,176,730, showing an increase of \$1,346,407. The shipments of codfish were slightly in excess of those of 1887, 953,000 quintals against 913,000 quintals, but better prices gave an increased value of \$425,000. The lobster fishery shows continued expansion. In 1884 the export was valued at \$60,000, in 1888 it is stated at \$385,000, and it is satisfactory to know that Newfoundland brands commanded the highest market price. In spite of the collapse of the Copper Mining Syndicate, and the fall in the price of copper which followed, the mines of Newfoundland have been worked to a larger extent than ever before, the export of ore and ingots being valued at \$816,385. Large numbers of our population are engaged directly or indirectly in the mining industry, and the conversion of the ore into copper has added largely to the labour employed. Of the total export of 5,823 tons 2,500 tons have been submitted to smelting process, 1,205 tons being pure copper. The mining of iron pyrites for the sake of the sulphur has lately assumed considerable proportions, and as the country abounds in this ore it is probable that largely increased shipments will be made in succeeding years, adding materially to the prosperity of the Colony.

Revenue and Expenditure.

The Customs Revenue of the Colony on a somewhat increased tariff rose from \$1,083,783 in 1887 to \$1,251,932 in 1888. The total Revenue for 1888, including loans, was \$1,730,029.

The Expenditure also advanced in 1888, and attained to a sum of \$1,831,441. The increase over 1887 was largely due to the payment to the Municipal Council of St. John's of \$160,000 as authorised under Municipal Act, but also to a repayment of debentures which became due to the amount of \$38,910, and to the expenditure of \$41,163 in carrying out the Bait Act. The interest on the Public Debt showed an increase of \$10,296.

Public Debt.

The Public Debt on 31st December 1888 was \$3,335,589. 30.

Fisheries.

The fisheries were prosecuted in their various branches with

varying success. The seal fishery showed an improvement upon the past year notwithstanding that second trips of steamers have been discontinued; prices for both seal and cod oil ruled low, with no immediate prospect of a rise; but an increase in the value of seal skins enabled shippers to market the catch with satisfactory results. The shore codfishery, which for many years past has been only partially successful, cannot be said to show any signs of recuperation, but a most successful Bank' fishery—fortunately a largely increasing proportion of the fishing industry of the Colony—and a fair catch on the Labrador, made up a total result considerably more favourable to the Colony than that of 1887.

The salmon fishery exhibits a continued decline, but the lobster packing industry shows a large expansion each year.

On an address of the Legislature the Government appointed in August 1887 a Fishery Commission to inquire into what was being done in other countries for the protection and development of the fisheries, with a view to the adoption of any methods that might be found suitable to the circumstances of the Colony. The Commission recommended as a first requisite the immediate appointment of a superintendent to take charge of all inquiries and experiments, and in September 1888 Mr. Adolph Neilson of Norway was appointed to that position. It is proposed to establish fish hatcheries in two or three of the large bays, with the view, if possible, of restocking the depleted inshore fishing areas with cod, salmon, and lobster, and the erection of one of those hatcheries will be the first work to be undertaken by Mr. Neilson.

Labrador.

There are no official returns of the exports of this Dependency of Newfoundland as there are no Custom Houses on the coast, but from statements made by shippers it is learnt that there were:—

222,183 quintals cod fish exported, valued at	\$ 755,422
13,570 barrels herring - - -	46,138
624 tierces salmon " - -	12,480
	<hr/>
	814,040
	<hr/>

Agriculture.

Under the stimulus of the Act for the encouragement of agriculture considerable development was made in 1888 in the cultivation of the land. Three thousand and forty-three applicants availed themselves of the benefit of the Act, and cleared and broke up 1,794 acres, the bonus on which amounted to \$20,392. Under the Act 49 Vict. c. 3. an agricultural district was created near Dildo Pond, upon which about thirty families have been settled. These families have been assisted in building their houses and in procuring seed, and it is hoped that in a year or so they

6 PAPERS RELATING TO H. M. COLONIAL POSSESSIONS.

NEWFOUND-
LAND.

may be able to make themselves independent of further Govern-
ment aid. The cost of the district to end of 1888 was \$2,286.

I have, &c.

(Signed)

J. W. WITHERS,

For Colonial Secretary.

His Excellency

Sir J. Terence O'Brien, K.C.M.G..

Governor.

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

CANADA.

DESPATCH

FROM THE

GOVERNOR-GENERAL OF CANADA,

FORWARDING AN

ADDRESS TO HER MAJESTY THE QUEEN

FROM THE

DOMINION HOUSE OF COMMONS,

TOGETHER WITH THE

SECRETARY OF STATE'S REPLY THERETO.

Presented to both Houses of Parliament by Command of Her Majesty.
July 1890.



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HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

1890.

[C.—6114.] *Price 2d.*

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2	To Lord Stanley of Preston	July 9	Conveys the expression of Her Majesty's pleasure at receiving this renewed proof of the loyalty and devotion of the Canadian House of Commons and of her subjects generally in the Dominion.	15

No. 1.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.

(Received June 23, 1890.)

MY LORD,

Citadel, Quebec, June 9, 1890.

I HAVE the honour to transmit by this mail a copy of a loyal address unanimously voted in the House of Commons of the Dominion Parliament in the month of January last, which I have just received from the Speaker of the House, with the request that it may be laid at the foot of the Throne in the manner which you may deem proper.

2. I also enclose a copy of the House of Commons Reports of the 29th of January containing an account of the debate.

3. The address was moved by Mr. Mulock, Member of Parliament for North York, Ontario, a Liberal in politics, and therefore at the present time a member of the Opposition. When first placed on the notice paper the resolution was by some persons thought to be unnecessary, but after the explanation of the mover an interesting debate ensued during which members of both parties vied in expressing their loyalty to the Crown.

4. Mr. Mulock in submitting the motion stated that whatever party differences there might be he believed that there was one common bond of union—the great principle of British connexion. He did not move the address on account of any circumstances which had occurred, or which were occurring then, within the borders of Canada, but for the purpose of removing misapprehensions and of contradicting statements which if allowed to remain longer unchallenged were calculated to be injurious to the best interests of the Dominion.

5. He went on to say that it had been asserted in the press of the United States, and especially so during the past few months, that political institutions in Canada were being broken up, that the people were divided, race against race, creed against creed, province against province, and the Dominion against the Empire, and that this (it was alleged) had created a feeling in favour of independence or of annexation to the States which was only awaiting the opportunity to take practical form and shape. He added that the United States Congress had appointed a committee of the Senate ostensibly to inquire into the relations of Canada with the United States, but that the principal anxiety of the Commission was apparently to discover satisfactory evidence that Canada was in a frame of mind to be annexed to the United States. He believed that Canada was full of people who rejoiced by reason of their connexion with the British Empire, and that nothing had more aided it than “the events of the Victorian era in which we now live.” He moved the resolution believing that it was expedient that a candid declaration should be made in public of what were the sentiments of the people.

6. Mr. Mulock was seconded by Mr. Amyot, who commenced by saying that he spoke as a British subject of French descent. He quoted numerous extracts to show that the loyalty of the French Canadians had been often and fully recognised. He went on to say that they enjoyed a constitution which they admired, and that they are proud of being British subjects because under that constitution they find freedom, justice, and peace. In conclusion, he repeated the words of the celebrated Sir Etienne Taché “that the last gun which would be fired in defence of the British flag on this continent might very well be fired by a French Canadian.”

7. Sir John MacDonald, Prime Minister, and the Honourable Mr. Laurier (a French Canadian and formerly a member of Mr. Mackenzie's Government) now leader of the Opposition, in following the mover and seconder stated that though they had perhaps thought in the first instance that the resolution was unnecessary, they were now of opinion after hearing what had been said that it thoroughly expressed the sentiments of the representatives of the people of the Dominion. Their speeches were followed by those of some other members, and the house finally—according to the custom here—divided, the yeas being 161 and the nays none

8. A subsequent motion was made for an address to the Governor-General praying that the address which had been the subject of the motion should be laid at the foot of the Throne.
9. In pursuance of which I have the honour to address these remarks to your Lordship.

I have, &c.
(Signed) STANLEY OF PRESTON.
The Right Hon. Lord Knutsford, G.C.M.G.,
 &c. &c. &c.

Enclosure 1 in No. 1.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,
WE, Your Majesty's most dutiful and loyal subjects, the commons of Canada in Parliament assembled, desire most earnestly in our own name and on behalf of the people whom we represent, to renew the expression of our unswerving loyalty and devotion to Your Majesty's person and Government.
We have learned with feelings of entire disapproval that various public statements have been made calling in question the loyalty of the people of Canada to the political union now happily existing between this Dominion and the British Empire and representing it as the desire of the people of Canada to sever such connexion.
We desire therefore to assure Your Majesty that such statements are wholly incorrect representations of the sentiments and aspirations of the people of Canada, who are among Your Majesty's most loyal subjects, devotedly attached to the political union existing between Canada and the mother-country, and earnestly desire its continuance.
We feel assured that Your Majesty will not allow any such statements, emanating from any source whatever, to lessen Your Majesty's confidence in the loyalty of your Canadian subjects to Your Majesty's person and Government, and will accept our assurances of the contentment of Your Majesty's Canadian subjects with the political connexion between Canada and the rest of the British Empire, and of their fixed resolve to aid in maintaining the same.
We pray that the blessings of Your Majesty's reign may, for your people's sake, be long continued.

(Signed) J. ALD. OUMET,
 Speaker.
House of Commons, Canada,
Wednesday, 29th January 1890.

Enclosure 2 in No. 1.

HOUSE OF COMMONS DEBATES, JANUARY 29th, 1890.

Loyalty to Her Majesty.

Mr. Mulock : On Monday last when I was about to move the resolution which I now desire to move, the First Minister requested that the motion should be allowed to stand in order that he might have a conversation with me on the subject. The motion accordingly stood, and I had the advantage of a conversation with the First Minister. I may say that the whole tenor of the conversation was simply that I might make certain verbal changes in the resolution without in the slightest degree impairing the effect of it. I mention that particularly, because I have been told that very inaccurate reports have gone abroad as to the proposed object of the First Minister in speaking to me. The whole tenor of the right hon. gentleman's conversation with me was that he highly approved of the spirit of the motion, but thought it might be possible to improve the style of it. I entirely concurred with him, and, as a result of the conversation, the motion has been slightly varied and a reprint of the altered motion placed in the hands of hon. members. I may say further that I omitted to consult an important element in the House at the time, and therefore the draft of the corrected motion went to the printer without having been submitted to the representatives of the various parties in

the House. After it was printed the leader of the Third Party suggested to me that there should be a little further change, and that suggestion I thought reasonable. I mentioned it to the First Minister and he thought it reasonable, and consequently I presume that everyone will think it reasonable. Therefore, with the consent of the House, I will now read the motion proposed to be submitted, and ask the permission of the House that it be substituted for the one of which notice has been given, as follows :—

That an humble address be presented to the Queen's most Excellent Majesty in the following words :—

MOST GRACIOUS MAJESTY,

WE, Your Majesty's most dutiful and loyal subjects, the commons of Canada in Parliament assembled, desire most earnestly in our own name and on behalf of the people whom we represent to renew the expression of our unswerving loyalty and devotion to Your Majesty's person and Government.

We have learned with feelings of entire disapproval that various public statements have been made calling in question the loyalty of the people of Canada to the political union now happily existing between this Dominion and the British Empire and representing it as the desire of the people of Canada to sever such connexion.

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We feel assured that Your Majesty will not allow any such statements, emanating from any source whatever, to lessen Your Majesty's confidence in the loyalty of your Canadian subjects to Your Majesty's person and Government, and will accept our assurances of the contentment of Your Majesty's Canadian subjects with the political connexion between Canada and the rest of the British Empire, and of their fixed resolve to aid in maintaining the same.

We pray that the blessings of Your Majesty's reign may, for your people's sake, be long continued.

Mr. Mulock : My object in submitting this motion is not for the information of the hon. members of this House, or for the information of the country. I think for anyone to suggest that such a course as this was necessary for such a purpose would be to offend the intelligence alike of the House and the country. We may have our party differences in regard to what we deem to be the best methods of promoting the public welfare, but we also have, as I trust and believe, a common bond of union—the great principle of British connexion ; a principle which, I submit, controls all political thought in Canada ; a principle before which all other questions dwarf almost into insignificance ; a principle which is, and I trust will continue to be, the touchstone of political thought in Canada. That principle has developed for us a position here which we enjoy as citizens of the greatest empire known to civilisation, an empire which, I think, to-day commands in a greater degree than in any other period in the history of our country the admiration and the love of the whole people of this country, and which has, I believe, developed amongst us a common standing ground and common cause which makes the hearts of the whole people beat as one. I repeat, therefore, that I do not make this motion for our information or for the information of the country, believing it to be but a feeble echo of the sentiments which are entertained by the whole country ; nor do I make it out of any individual or party considerations, nor because of any circumstance which has occurred, or which is occurring, within the borders of Canada ; but I make it for the purpose of removing, if possible, misapprehensions, and contradicting statements that have been made and which perhaps have already been of great injury to Canada, and which, if allowed to remain any longer unchallenged, are calculated to be injurious to our best interests. I am sure that, in an assemblage such as this, it will be unnecessary for me to observe any particularity in regard to what I refer to. We are all observers of current events, we are all readers of the literature of the day, and we have had the opportunity of observing the trend of the American press during the last few months. In that press you find a doctrine set forth as if it were the expression of one mind, but appearing in the whole of the press of the United States and being in that way spread far and wide. You find it asserted there that the political institutions in Canada are broken down, that we are a people divided against ourselves or amongst ourselves, that we are torn apart by internal dissensions, that race is set against race, creed against creed, province against province, and the Dominion against the Empire ; and that this has created a feeling in favour of independence or annexation which is now only awaiting the opportunity to take practical

form and shape. These statements have, no doubt, already done injury to our country. A surplus population does not seek countries which are supposed to be bordering on revolution. Capital does not seek investment in countries which are supposed not to be blessed with stable Government. Therefore, for the information of the outside world, for the information of those who have not had the advantage of being born or becoming Canadian citizens, for their advantage and for our own advantage ultimately, I have asked the House to adopt this resolution. To give further colour to these statements we find that the United States Congress appointed a Committee of the Senate ostensibly to inquire into the relations of Canada with the United States; but if anyone investigated the proceedings of that Committee he would find that apparently the principal anxiety of the Commission is to discover satisfactory evidence that this country is in a frame of mind to be annexed to the United States. I know of no better way of meeting their curiosity on that subject, and at the same time of settling this question, than for the people of Canada, through their representatives here assembled, to make an authoritative deliverance upon the subject. Such a deliverance will go far I believe, to settle the question in the minds of the people of the United States, and in the minds of the people of the old land, those of England and of continental Europe, and then I hope it will result in setting once more flowing towards our shores the surplus capital and the surplus population of those old lands which are so much wanted for the development of the resources of this vast Dominion. I make this statement in no feeling of unfriendliness to the United States. We cannot blame them for casting longing eyes towards this favoured land, but we can only attribute that to Canada's worth, and therefore to that extent we can appreciate their advances. But that the American people seriously believe that Canada, a land so full of promise, is now prepared, in her very infancy, to commit political suicide I cannot for a moment believe. Do the American people believe that this young country, with her admirable resources, with a population representing the finest races of human blood, with political institutions based upon a model that has stood the strain for ages, and has ever become stronger—do they believe that this country, possessing within her own limits all the essentials for enduring national greatness, is now prepared to abandon the work of the Confederation fathers, and pull out from the Confederation edifice the cement of British connexion which holds the various parts of the edifice together? Do they, I say, believe that the people of Canada are prepared in that way to disappear from the nations of the earth, amidst the universal contempt of the world? No, Mr. Speaker, the American people are too intelligent to believe any such a thing. They have been trying to make themselves believe it, but they cannot do it. But whether they believe it or not—no matter who believes it outside of Canada—I venture to say the Canadian people do not believe it; and whatever be the destiny of Canada, I trust that such as I have indicated is not to be her destiny—Canada, full of a people who rejoice, as I said before, more, perhaps, than they ever did yet, by reason of their connexion with an empire that has girdled the whole earth with a confederacy of provinces for the promotion of a higher civilisation, not for the sake of conquest. Sir, that connexion, I believe, has, if possible, intensified the feeling of love which is entertained by the people of Canada towards the union, and nothing, perhaps, has more aided it than the events of the Victorian era in which we now live. It is not my intention to refer to anything that can possibly suggest a controversy upon this question. In order that this motion may have the fullest effect it should have, I think, the heartiest endorsement, the unanimous endorsement of this House. I shall, therefore, avoid any further discussion of this question, believing, as I do, that there is nothing in respect to British political connexion that ought to interfere with the material prosperity of our country. Believing this, and believing that the present is an opportune time for us to make a candid declaration of what we deem to be the sentiments of the country, and believing also that such a declaration will not be an unwelcome communication to Her Majesty, I beg to move the adoption of the resolution.

Mr. Amyot : As a British subject of French descent, I have great pleasure in seconding the motion of my hon. friend. I endorse every one of his words, and I am happy to choose this occasion to speak in the name of the county which I have the honour to represent in this House. I think the motion is opportune, and I will take this occasion to tell the new members of this House who, perhaps, have not studied our history fully, the exact position that we have occupied in the past, so far as loyalty is concerned, and the reasons why we French Canadians are loyal to the Crown. After the Treaty of Paris a great many struggles occurred between the old and new colonists, as might have been expected, and as is always the case when a sudden change takes place in a country. After many petitions and representations, the Act of Quebec, in 1774, passed, and it was

accepted by our forefathers as a good step in the right direction. That Act was granted in spite of the opposition of some fanatics and of some speculators, and the very next year our forefathers had occasion to prove their gratitude to England and their loyalty to the new flag. The Americans invaded the country, and it was owing to the efforts, to the chivalry, to the valour of the French Canadian people, powerfully aided, of course, by the few English troops that were here, that Canada was retained as a possession of the Crown of England, in 1775. As my words alone may not be of sufficient authority, I will quote from Biggar, in his work, "Canada—a Memorial Volume," at page 27, where he says :—

"While there was, as a matter of course, a good deal of friction between the new subjects, as the French were called, and the British settlers or 'old subjects,' under the temperate and judicious guidance of General Murray and Sir Guy Carleton, matters proceeded hopefully and the country entered upon a career of prosperity, rapidly increasing in population and wealth."

At page 28 he says :—

"The colonists were now called upon to pass through another war period—bloody but brief—and this time with their own countrymen across the border. In the year following the passing of the Quebec Act, the long smouldering fires of secession in the American colonies burst into flame. On April 19th, 1775, the 'Minute men' of Concord Lexington 'fired the first shot heard around the world,' and the War of Independence began, which ended in the loss to England of her 'American' colonies. One of the first steps taken by the secessionists was to capture Ticonderoga and Crown Point on Lake Champlain, and thus possess the gateway to Canada. Forts St. John and Chambly soon followed, and on the 12th November Montreal succumbed; but the tide turned, when, flushed with their first success the Americans essayed the capture of Quebec, two daring attempts resulting in disastrous failure."

In 1808, although we did not possess then a full measure of liberty, though our old laws and customs were not entirely recognized, yet our forefathers were always loyal; and we find that Sir James Craig, the Governor, expressed himself as follows in opening Parliament :—

"He added, however, that means for meeting adverse eventualities were not to be neglected; and he had the firmest confidence that the co-operation of the people in that respect would not be wanting; while the loyalty and zeal of the militia met his own warmest approbation. All appearances gave promise that, if the colony were attacked, it would be defended in such a manner as was to be expected of a brave race, who fight for all that is dear to it. . . . The reply of the Assembly was of a character which ought to have persuaded Britons that they might reckon on the fidelity of the Canadians, despite the prejudices and fears which late repeated appeals to it betrayed."

In the years 1812, 1813 and 1814 a new war occurred between England and the United States. Again our forefathers had the opportunity to show their fidelity to the British Crown. Those who have read our history cannot but admire the struggles that took place then, and the extraordinary victories won by a few hundred men over thousands of soldiers. I again quote from page 30 :—

"In the year 1812-14 the young auxiliary nation was called upon to undergo a severe ordeal through the United States declaring war against Great Britain, partly because of sympathy with France and partly through misunderstandings between the two Governments. The United States naturally selected Canada as the first object of attack. The position of the two countries was very unequal. Canada was totally unprepared for the conflict. She had less than 6,000 troops to defend 1,500 miles of frontier. Her entire population was under 300,000, while that of the United States was 8,000,000. Despite this startling disparity the Canadians, rallying as one man to the loyal support of their Government, bore themselves so nobly throughout the two years' struggles which ensued, that when it ended the advantage lay clearly upon their side, and the victories of Queenstown Heights and Chateauguay are to-day pointed to with the same patriotic pride as the Englishman takes in Waterloo or the Frenchman in Austerlitz."

Our celebrated historian Garneau, at page 188 of the English translation, says :—

"The result of the campaign of 1812, in which the zeal and spirit of the Canadian population rivalled British courage and loyalty, was a practical justification of the sage and conciliatory policy of Sir George Prevost. This worthy Governor assembled the Chambers on the 29th December. He informed them that, in virtue of the power

entrusted to him, he called out the whole of the colonial militia, and expressed his liveliest satisfaction at the public spirit, orderliness, firmness, love of country, and respect for religion and the laws which had been manifested by all ranks of the people. Such a conduct as theirs, he observed, would make their country respected at home and redoubtable abroad."

It might be objected that in 1837 there was a revolution; but, that revolution occurred in Upper Canada as well as in Lower Canada, and only few men took part in it. I shall not enter into the details, but everyone knows that the great majority of the people remain perfectly loyal to the Crown. When Canada was attacked by the Fenians, our French Canadian battalions were called upon to march to the front. None of them hesitated one moment, and everywhere along the frontier, at the points of danger, we saw French Canadian troops ready to give their lives in defence of the British flag. Lately when there was a rebellion or trouble in the North-West, two French Canadian battalions were called out; and no one hesitated a moment. They went to the front, they executed all orders given them, and not for one moment was their loyalty suspected, and when they returned they received praise from the authorities of the country. The Governors which England so carefully selects, have recognised our loyalty on many different occasions. Lord Dufferin, Lord Lorne, and other noble statesmen who have represented the Queen in this country, have all expressed themselves most emphatically on this matter. Lord Dufferin, whose name has remained dear to all hearts in this country, used the following words in 1878, and I like to repeat them, because these sentiments are calculated to promote harmony, peace, and contentment in this country:—

"Year by year I have had better opportunities of appreciating the devotion of the inhabitants of the Province of Quebec to the throne and Government of the Queen, and to the interests of the Empire, and nothing has given me greater pride than to observe, when a cloud of war recently threatened Great Britain, that Her Majesty's French Canadian subjects were not a whit behind their English, Scotch, and Irish fellow citizens in testifying their willingness to rally to the defence of her dominions.

"It is quite true that the distinctions of race which exist within the borders of Canada complicate to a certain degree those problems of government with which the statesmen of the country are periodically called upon to deal, but the inconveniences which may sometimes arise from this source are more than counterbalanced by many advantages which ensue from it. I do not think that ethnological homogeneity is an unmixed benefit to a country. Certainly, the least attractive characteristic of a great portion of this continent is the monotony of many of its outward aspects, while I consider it fortunate for Canada that her prosperity shall be founded on the co-operation of different races. The inter-action of national idiosyncrasies introduces into our existence a freshness, a variety, a colour, an eclectic impulse, which otherwise would be wanting, and it would be most faulty statesmanship to seek their obliteration. My warmest aspiration for this province has always been to see its French inhabitants executing for Canada the functions which France herself has so admirably performed for Europe. Strike from European history the achievements of France, subtract from European civilisation the contributions of France, and what a blank would be occasioned."

Lord Lorne, in answer to an address presented to him by the St. Jean Baptiste Society, said:—

"I have obeyed a pleasant call in being amongst you to-day to testify my respect for our French Canadian fellow citizens and my appreciation of the value of the element furnished by its noble and gallant race in influencing for good our young and Canadian nationality. I am here to show how much I prize the loyalty evinced by you on all occasions towards Her Majesty the Queen, whose representative I am."

I need not adduce more proofs of our loyalty; but it is not without reason that we are loyal. It is a sentiment, but it is based upon principle; it is based upon our faith and upon our interest. At all times our clergy have taught the people of the Province of Quebec or of any part of this continent to be loyal. I may quote as far back as 1791. The following words were spoken by Mgr. Plessis in the cathedral of Quebec, in the course of his funeral discourse over the remains of Mgr. Briand. I quote this because it will convince everyone that if we are loyal we are essentially so, and we know why we are loyal.

"Our conquerors," said Mgr. Plessis, "regarded (at first) with a jealous eye and a lowering brow, inspired in us feelings only of detestation or aversion. We cannot be

“ persuaded (for the time) that a race of men, strangers to our soil, to our language, to our laws, to our worship, could ever be willing to render to Canada an equivalent for what it lost by changing its masters. Generous nation! which has made us aware by so many evidences how ill-founded were our prepossessions; industrious nation! which has developed the earth’s fecundity, and explored its hidden riches; exemplary nation! that in critical times taught the attentive world wherein consists that liberty which all men aspire to obtain, but so few know how to keep within proper bounds; pitying nation! which has just welcomed with so much humanity the most faithful yet worst used subjects of that realm to which ourselves once belonged; beneficent nation! which daily gives us men of Canada fresh proofs of its liberality. No, no! your people are not enemies of our people, nor are ye the despoilers of our property, which rather do your laws protect; nor are ye foes of our religion to which ye pay all due respect. Pardon us, then, for that, our first (and now past) distrustfulness of a foreign race, whose virtues, being as yet unexperienced by us, we had not the happiness to know; and if, after being apprised of the overthrow of the monarchy and the abolition of the only right worship (*le vrai culte*) in France, and after experiencing for 35 years the gentleness of your domination, there remains still among us some natures purblind enough, or of such an evil disposition as to revive past antipathies or to awaken in the popular mind disloyal wishes (*désires criminels*) to revert to French supremacy—let Britons be assured that such beings are rare among us; and we beg that what may be true of the malcontent few, will not be imputed to the well-disposed many. . . . Mr. Briand’s maxim ever was, that true Christians and sincere Catholics are (and must be) all obedient subjects of their legitimate sovereign. He had learned from Jesus Christ that we must render to Cæsar what belongs (or right) to Cæsar; Saint Paul has taught him that every soul should be (voluntarily) submissive to established authority; that he who resists it is in opposition to God himself, and thereby merits damnation; he had learned from the chiefest of the Apostles that the magistrate (*roi*) bears not the sword in vain; inculcating that we are to accredit him by our obedience as God’s representative (*propter Deum*); and to honour him not only in his own person, but in the person of his lawful deputies (*sive ducibus tanquam ab eo missis*). Such are, my fellow Christians, the principles of our holy religion in that regard; principles which we cannot too often impress upon your minds, or over frequently bring under your view; for they form an integral part of evangelical morality, upon which our eternal salvation depends.”

Those words were spoken in 1791. After Confederation the Bishops of the Province of Quebec, Mgr. Baillargeon, Mgr. Langevin and the others sent pastoral letters to their flocks with regard to the change of the system of Government. I will quote especially from the pastoral of Mgr. Baillargeon, dated 12th June 1867, and you will see from those remarks that the same sentiments which animated Mgr. Plessis in 1791 animated the Bishops of the Province in 1867. Mgr. Baillargeon says:—

“ CHARLES FRANÇOIS BAILLARGEON, Bishop of Tloa, &c., &c. To the Clergy, Secular and Regular, and to all the faithful in the Archdiocese, greeting and blessing in our Lord.

“ Her Majesty, our Gracious Sovereign has just issued a Proclamation by which it is ordered by virtue of an Act of the Imperial Parliament, that, dating from the 1st of July next the provinces of Canada, of Nova Scotia, and New Brunswick shall form a federal union under the name of the ‘Dominion of Canada’ The State thus formed shall possess a common legislature which shall concern itself with the greater interests of the whole confederated territory; but this State shall be divided into four provinces distinct, each possessing a local legislature occupied with the particular interests of the province. In this way Lower Canada, henceforth separated from Upper Canada, shall form under the new régime a separate Province which shall be styled ‘The Province of Quebec.’

“ This order of things having been established by competent authority, at the request also of our representatives in the Canadian Legislature, there remains nothing for us, my very dear brethren, but to submit to it with a good grace; to do so is for us all a duty imposed by conscience. If, during the century and more since our country was ceded to Great Britain, the form of our government has changed several times, let us remember that the essence of authority does not vary, but remains ever the same. Authority is requisite for the maintenance of all human society, and experience has shown us into what misfortunes those peoples fall who venture to throw it aside.

“ Do not let us forget, my very dear brethren, the wholly Divine origin of this authority which fact has been so often disregarded in our so-called era of enlightenment.

It is to God that we must ascend in order to discover its source; it is He himself who has delegated it to men for the preservation of the community fresh from His hands.

“‘To God alone,’ says the Apostle Jude, ‘belongeth dominion and power’ (verse 25). ‘By me kings reign and princes decree justice,’ saith the Lord in the Book of Proverbs (ch. 8, v. 15). Jesus Christ teaches us our duties towards those in authority when he says, ‘Render unto Cæsar the things that are Cæsar’s, and unto God the things that are God’s.’ (St. Matthew, ch. 22, v. 21.) St. Paul saith, ‘Let every soul be in subjection to the higher powers; for there is no power but of God; and the powers that be are ordained of God. Therefore he that resisteth the power withstandeth the ordinance of God.’ (Romans, ch. 13 v. 1–2). And in order further to convince us, he adds, ‘Wherefore ye must needs be in subjection, not only because of the wrath, but also for conscience’ sake.’ (Romans, ch. 5, v. 5.).

“Therefore, my very dear brethren, inasmuch as the federal union which is going into operation, proceeds from lawful authority, you will regard it as a law for yourselves, and you will obey the command of God by obeying it in all sincerity. It is, besides to your interest to do so, as it is a matter of conscience, in order that it may result in the common good, and in this way secure the benefits to individuals. Soon you will be called upon to choose those who either in the Federal Parliament or in the local Legislature will work to put into practice the new Constitution. You will then guard against giving your votes in favour of those who are disposed to fight against it or prevent its working, but you will give them to citizens proved and acknowledged as having at heart the wish to make it useful in promoting the greatest good of the country.”

Now, Mr. Speaker, you may go amongst our parish priests in Lower Canada, and you will find that every one of them—men of talent and science as they are—you will find that they teach to those who surround them that they must from the bottom of their hearts pay obedience to the laws, and be faithful and loyal to the Crown. That is one of the reasons why we are loyal. It is also our interest to be loyal. In this country we enjoy the fullest freedom that citizens of any country may expect. We practice freely our religion, we talk our language, we enjoy our own customs, and we live in peace and harmony with all the different races and creeds of the Dominion. We enjoy a constitution which we admire, and we are proud of being British subjects, because we belong to a country which has mastered nearly the whole world, and because the constitution of that country is based on an experience of centuries, and assures the liberty of the people. We are loyal because we find freedom, justice, and peace under that constitution. We do not believe—for my part I do not believe—and I know that I express the views of my constituents, when I say that they do not believe in the republican form of government under which a president or an executive becomes an autocrat for four years after an election. We believe in the British constitution, under which the majority of the people are always and every moment commanding. We believe that, with the civilisation and enlightenment of the present century, the people are fully able to govern themselves by themselves; and this is the sense of the form of government we have received from England. Of course, we would feel some pride in being our own masters, in having no colonial tie; but, Mr. Speaker, the advantages we derive from that tie—the protection of the British flag all over the seas, and our more intimate relations with the English people—fully compensate for the want of that sentiment of pride in being our own masters. Besides, if in years past England has been perhaps unfair to Canada, of late years, I must say, she has become more and more just, she has been extending greater liberties to Canada, she has come to look upon us as one of her most important possessions, one of her possessions most able to govern itself; and we have the pleasure of seeing every day that English statesmen are learning more about Canada, and are coming more to respect her and to give her full protection. I find in an English author a *résumé* of the benefits which we derive from British connexion. Dr. Withrow, in his “History of Canada,” says:—

“The conquest of Canada by the British was the most fortunate event in its history. It supplanted the institutions of the middle ages by those of modern civilisation. It gave local self-government for abject submission to a foreign power and a corrupt court. It gave the protection of the *Habeas Corpus* and trial by jury instead of the oppressive tribunals of feudalism. For ignorance and repression it gave cheap schools and a free press. It removed the arbitrary shackles from trade and abolished its unjust monopolies. It enfranchised the serfs of the soil and restricted the excessive power of the *seigneurs*. It gave an immeasurably ampler liberty to the people and a loftier impulse to progress

than was before known. It banished the greedy cormorants who grew rich by the official plunder of the poor. The waste and ruin of a prolonged and cruel war were succeeded by the reign of peace and prosperity; and the pinchings of famine by the rejoicings of abundance. The *habitants* could now cultivate their long-neglected acres free from the molestation of Indian massacres or the fear of British invasion. Even the conquered colonists themselves soon recognised their improved condition under their generous conquerors."

Well, Mr. Speaker, we have kept our civil laws, but we have also with thanks and gratitude received from England her criminal laws, and I believe that the criminal laws of England are as perfect as human genius and experience can make them. Our civil laws, based on the Roman laws, are also admirable and are respected in all the tribunals of the world. Under this system of laws we feel happy and contented. So, Mr. Speaker, you see some of the reasons why we are loyal. The more we know of our English-speaking friends in this country, the more we learn to appreciate them; and I may say that if among those who do not know us there may be sentiments against us, those sentiments soon disappear when we have opportunities of mutual intercourse and are enabled to know each other more perfectly. We admire the qualities of the English-speaking subjects of Britain, and they seem to regard the qualities of our race with pleasure also. I think, on this continent, by mutual agreement, by mutual forbearance, we may live in harmony under the protection of the British flag, and approach the consummation dreamed by many of our people—that there may be a great Canadian nation composed of different races, but all animated with the desire of fostering the general welfare of all. In concluding, Mr. Speaker, I will with pleasure repeat the words of one of our most popular and celebrated public men, Sir Etienne Pascal Taché: That the last gun that would be fired in defence of the British flag on this continent might very well be fired by a French Canadian.

Sir John A. Macdonald: When I first saw the motion of my hon. friend on the paper, the only doubt in my mind was whether there was any special occasion for the commons of Canada to renew the assurance of their loyalty towards Her Majesty. If I had any doubt whatever, it has been more than removed by the clear and lucid statement of my hon. friend in moving the resolution. I cordially agree with every word of his eloquent remarks, and I hope and believe that the House will respond to the resolution and to the sentiments which my hon. friend has expressed, as my hon. friend has just stated, the conversation which I sought with him was simply for the purpose of suggesting for his consideration some verbal alterations, because I thought it well that if possible the resolution should be received and carried without any amendment or suggestion of amendment; and my hon. friend was kind enough to view with favour some of the suggestions I made. I hope that the desire expressed by my hon. friend, that this resolution should be adopted by the House without any controversial remarks or any statement which in any way might impair the effect which my hon. friend's address ought to have in this House and in the country and out of the country, will be realised. I shall say no more, Mr. Speaker, except that my hon. friend the Minister of Justice has suggested an amendment which did not occur to me, but which is perfectly correct: that is, that the address should, according to the ordinary form of addresses to Her Majesty, begin, "Most Gracious Sovereign." However, I cordially agree with everything my hon. friend has said. I believe the resolution truly expresses the sentiments of the representatives of the people and of the whole people of Canada; and after hearing him, I am of the same opinion as he is, that this is a very opportune occasion, under all the circumstances, for expressing the sentiments contained in the resolution.

Mr. Laurier: I am also of opinion that perhaps there was no occasion for my hon. friend moving such an address as this. We all appreciate the motives which have induced him to do so; but the resolution itself, unless it were coupled with the remarks which have just fallen from the First Minister, would almost imply that there was some necessity for renewing our expressions of loyalty to the British Crown. Now it is useless to say that there is no such necessity whatever coming from any quarter, because from all quarters of Canada there is nothing but the most unswerving loyalty to the British Crown at this moment, and devotion and attachment to the person of Her Majesty. The great qualities that Her Majesty has exhibited as Queen and as woman during a long career have made the question of loyalty not only a feeling of duty, but a personal feeling in the heart of every one of her subjects. What I am afraid of, however, is that there is a mistake made sometimes, that what is mistaken for disloyalty is nothing more

or less than the natural anxiety which all Canadians naturally have as to their future. I thank my hon. friend from Bellechasse (Mr. Amyot) who has spoken for the race to which he and I belong, for the way in which he has alluded to the French Canadians. He has alluded to the fact that in the first year of Her Majesty's reign our compatriots rose in rebellion against the Crown; but I repeat what he stated, that the fair and generous treatment which we have ever since received, and which I hope we will ever receive in the future, has converted that sentiment of bitterness into a sentiment of devotion to the British Crown. My hon. friend, however, said that our aim was to create a great nation on this side of the ocean. Well, if this is our aim, as it is, to create a great nation on this side of the ocean, based, as I hope, on British institutions, this brings us to the fact that our connexion with Great Britain cannot remain for ever what it is at the present day. As long as our powers of self-government, which we now enjoy, are adequate to our national requirements, for my part I endorse every word which is contained in this address, but—I speak with all candour—I do not expect that Canada will remain for ever a colony. There is no necessity to enter into this question at present. Now our citizenship is adequate to our requirements, but I think our condition might be improved and this might be the subject of further discussion. I cannot lose sight of the fact that at present there is a movement in favour of Imperial federation. That movement implies that our present relations with Great Britain might be improved. It does not follow that our relations with Great Britain are deemed unsatisfactory, but simply that they might be improved. I agree with the sentiment that our relations with Great Britain may be improved, whether in the way indicated or in any other way, but, whatever may be the future relations of this country to Great Britain, as long as we remain as we are to-day, with the great measure of liberty which we have received from Great Britain, we are quite happy to express our feeling of attachment to the Crown of England and to the person of Her Majesty.

Mr. Mitchell: It may not be inopportune for me to make a few remarks on such a proposition as this. I endorse every sentiment which has been uttered by the mover of the resolution (Mr. Mulock), and I listened with pleasure to the repetition of the history of the loyalty of our French fellow-subjects to the Throne of England. I may say that I looked upon it with a little suspicion when it was first introduced, because I thought it might imply some antagonism to our neighbours and kinsmen on the south of the line, but I think that the present resolution will not be looked upon as in any way antagonistic to them. I believe it is the interest of this country to maintain the most friendly relations with the people of the United States, and, as I understand the statement of the mover of the resolution, he was induced to take this step mainly in order to correct the impressions which our friends on the south of the line might have obtained from statements made to them, or from the press, as to the sentiments or the loyalty of the people of Canada. I have been pleased to hear the expressions from both sides of the House in reference to our loyalty to the Throne and Constitution of England. I am as loyal as any man in this country. I am no annexationist. I am no advocate for independence. But, as my hon. friend, the leader of the second-rate party in this House—because I recognise three parties, and, perhaps, for all I can tell, there may be four parties—has stated, I recognise that Canada cannot and will not always remain a colony; but I am willing to abide the tide of events. We have made a success as a colony. We have had prosperity; perhaps not always as great as many might desire. We have had just laws; perhaps not always executed as justly as some of us might expect. But we have had peace and prosperity in this land; we have under the ægis and protection of the greatest nation in the world, attained to a position which, notwithstanding what certain statesmen in England some 15 or 20 years ago may have said as to the weakness of Canada, prevents anyone now from denying that we are a source of strength to the home country, and must be so as long as we remain in connexion with her. Long may it be before that connexion is severed; but, I may say, that it cannot remain in harmony and with satisfaction to the people of Canada if the interests of Canada are neglected or overlooked. I make this one observation not to raise any discussion on a motion of this kind—for I would deprecate that—but simply to tell the right hon. gentleman at the head of the Government, that it is his duty and that of his Government, when they are sending this address to Her Majesty, to inform her Ministers that there are some people at all events, in this Parliament of Canada who think that the interests of Canada have for some time past not been receiving that attention and protection to which they are entitled. I will not particularise now this question to which I allude. Everyone here understands to what I refer. I only hope that the Government, in sending this address to

the Home Government, will represent that, if Canada shows a fealty to the English Crown and a desire to aid in the protection of the Empire, she has a right to expect a protection from the Empire in regard to the rights which really belong to it, and in connexion with which that fealty is given. In conclusion, I may say that there are some political doctors who, of late, have promulgated vague ideas under the name of Imperial Federation as to the advantage which the Empire and Canada might gain from the creation of a central authority in London with colonial representation. We are progressing satisfactorily now, and I want these political doctors to leave us alone. We are satisfied with the relations which Canada has with the Empire at present, and they had better leave us alone. If they imagine that we will submit to any sort of taxation dictated by a body assembled in London, they will find that no one possessing any sense in Canada will consent to anything of the kind. There is no man of sense in Canada who would consent to it. I merely throw this suggestion out now in order that, when we are sending this devoted and loyal address to Her Majesty, as representing the sentiments of the people of Canada, we should also let Her Majesty's Ministers know that if they countenance, as some have countenanced, this agitation for a change in our relations, based upon giving up a certain portion of our liberties, the people of Canada are not unanimous, at all events, and I believe there is only a fragment of them that feel inclined in that way. I felt it a duty to myself, as a representative man, when we are sending this address, that we should also let them know that there are some things in which our relations to the Empire, and to the Executive of the Empire, might be very much improved in the interests of Canada.

Mr. Patterson (Essex): Representing a remote part of Canada, which is to some extent cut off from the rest of the Dominion, I may be permitted to say that I cordially join in the sentiments of the mover of this resolution. I would not have trespassed upon the time of the House were it not that I have seen in newspapers lately some reference to my constituency, and to the town in which I live. Well, Mr. Speaker, although I do not think it necessary to contradict any newspaper report, I take this opportunity to say there is no truth in the newspaper statements derogatory to the loyalty of my constituency, or of the town of Windsor in which I live. I believe it as loyal a town as is to be found in Canada, and I would like no easier task than to contest that constituency with an annexationist. I may say that it gave me a very large majority at the last general election, and I am very certain that no question of annexation was then put forward. Some statements have been made affecting a fellow townsman of mine, Mr. Solomon White, lately a member of the provincial Legislature. I have Mr. White's personal assurance that what he did say was, that if our relations were to be changed, if there was to be any constitutional change in the direction of independence, while he is perfectly satisfied with our relations with the mother-country now existing, rather than support independence he would go in for political union with the United States. While I do not echo his sentiments in that regard, I think there are men in this House, and a good many men in the country, who would agree with him. I think he has a perfect right, as we all have, to exercise our own judgment as to the future, because we all must look forward to some future for this country. For my part, I hope the time is far distant when there may be any severance of the tie binding as to the mother-country. I believe there is no possibility of annexation to the United States under their present constitutional system. Our own constitution rests on a far higher basis of liberty; we are more in touch with popular sentiment, and the people have a more direct control of those who serve them in a public capacity. During a lifetime I have had opportunities of witnessing the two forms of government, and I have no hesitation in saying that all my sympathies are with our own system, and all my energies will be devoted to supporting and continuing the system of government which we possess. I heartily endorse the sentiments of my hon. friend from North York (Mr. Mulock) in the address which he has moved in this House this afternoon.

House divided on motion of Mr. Mulock.

YEAS :

Messieurs Amyot,
Archibald (Sir Adams).
Armstrong.
Audet.
Bain (Soulanges).
Bain (Wentworth).

Messieurs Baird.
Barnard.
Barron.
Bécharde.
Bell.
Boisvert.

Yeas—continued.

Messieurs Borden.
 Bowell.
 Bowman.
 Boyle.
 Bryson.
 Burdett.
 Cameron.
 Campbell.
 Cargill.
 Carling.
 Carpenter.
 Caron (Sir Adolphe).
 Cartwright (Sir Richard).
 Casey.
 Casgrain.
 Charlton.
 Choquette.
 Cimon.
 Cochrane.
 Colby.
 Cook.
 Corby.
 Costigan.
 Coughlin.
 Coulombe.
 Couture.
 Curran.
 Daoust.
 Davis.
 Dawson.
 Denison.
 Desaulniers.
 Dessaint.
 Dewdney.
 Dickinson.
 Doyon.
 Dupont.
 Earle.
 Ellis.
 Ferguson (Renfrew).
 Ferguson (Welland).
 Fisher.
 Flynn.
 Foster.
 Freeman.
 Gauthier.
 Geoffrion.
 Gigault.
 Gillmor.
 Godbout.
 Gordon.
 Grandbois.
 Guay.
 Guillet.
 Haggart.
 Hale.
 Hesson.
 Hickey.
 Holton.
 Hudspeth.
 Innes.
 Ives.

Messieurs Jamieson.
 Joncas.
 Jones (Digby).
 Kirk.
 Kirkpatrick.
 Labrosse.
 Landerkin.
 Landry.
 Lang.
 Langelier (Quebec).
 Langevin (Sir Hector).
 La Rivière.
 Laurier.
 Livingston.
 Lovitt.
 Macdonald (Sir John).
 Macdonald (Huron).
 Mackenzie.
 McCarthy.
 McCulla.
 McDonald (Victoria).
 McIntyre.
 McKay.
 McKeen.
 McMillan (Huron).
 McMillan (Vaudreuil).
 McMullen.
 McNeill.
 Madill.
 Mara.
 Marshall.
 Masson.
 Meigs.
 Mills (Bothwell).
 Mitchell.
 Moffat.
 Moncrieff.
 Montplaisir.
 Mulock.
 Neveux.
 O'Brien.
 Paterson (Brant).
 Patterson (Essex).
 Perley.
 Perry.
 Pope.
 Porter.
 Purcell.
 Putnam.
 Rinfret.
 Riopel.
 Robertson.
 Robillard.
 Roome.
 Ross.
 Rowand.
 Rykert.
 Ste. Marie.
 Sriver.
 Semple.
 Smith.
 Somerville.

Yeas—*continued*.

Messieurs Sproule.
Sutherland.
Taylor.
Temple.
Thérien.
Thompson (Sir John).
Tisdale.
Trow
Tupper.
Turcot.
Tyrwhitt.
Vanasse.
Waldie.

Messieurs Wallace.
Ward.
Watson.
Weldon (St. John).
Welsh.
White (Cardwell).
White (Renfrew).
Wilmot.
Wilson (Argenteuil).
Wood (Brockville).
Wood (Westmoreland).
Wright—161.

NAYS :

None.

Mr. Mulock moved that the said address be engrossed.

Motion agreed to.

Mr. Mulock moved that an address be presented to His Excellency the Governor-General, praying him to lay the address at the foot of the Throne.

Motion agreed to.

Mr. Mulock moved that the address be presented to His Excellency by such members of the House as are members of the Queen's Privy Council.

Mr. Landerkin : Are they loyal ? You had better present it yourself.

Motion agreed to.

No. 2.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

MY LORD,

Downing Street, July 9, 1890.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 9th ultimo,* and to acquaint you that I have laid before the Queen the loyal address, unanimously voted in the House of Commons of the Dominion Parliament, which accompanied it.

Her Majesty was pleased to receive this address very graciously and to command me to convey to the Speaker, through your Lordship, an expression of Her pleasure at receiving this renewed proof of the loyalty and devotion of the Canadian House of Commons and of Her subjects generally in the Dominion.

I have, &c.

(Signed) KNUTSFORD.

Lord Stanley of Preston, G.C.B.

* No. 1.

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